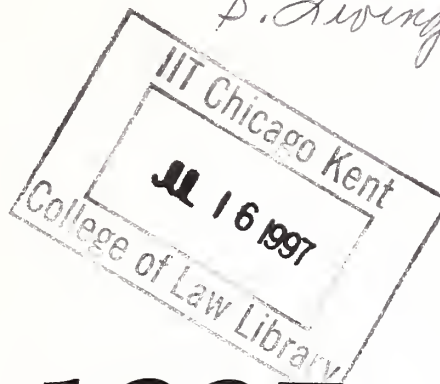


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Illinois Optometric Practice Act Of 1987

<p>ADOPTED RULES</p> <p>CHILDREN AND FAMILY SERVICES, DEPARTMENT OF</p> <p>Access To And Eligibility For Day Care Services</p> <p>89 Ill. Adm. Code 303, Repeal of8702</p> <p>Audits, Reviews, And Investigations</p> <p>89 Ill. Adm. Code 4348704</p> <p>Department Of Children And Family Services Employee Conflict Of Interest</p> <p>89 Ill. Adm. Code 4378709</p> <p>Financial Responsibility Of Parents Or Guardians Of The Estates Of Children</p> <p>89 Ill. Adm. Code 3528726</p> <p>Grants-In-Aid</p> <p>89 Ill. Adm. Code 3608728</p> <p>Planning For Statewide Resource Allocation</p> <p>89 Ill. Adm. Code 3268733</p> <p>COMMERCE COMMISSION, ILLINOIS</p> <p>Pay-Per-Call Services</p> <p>83 Ill. Adm. Code 7728738</p> <p>COMMUNITY COLLEGE BOARD, ILLINOIS</p> <p>Administration Of The Illinois Public Community College Act</p> <p>23 Ill. Adm. Code 15018745</p> <p>ENVIRONMENTAL PROTECTION AGENCY</p> <p>Procedures For Collection Of Air Pollution Site Fees</p> <p>35 Ill. Adm. Code 2518759</p> <p>INSURANCE, DEPARTMENT OF</p> <p>Preferred Provider Program Administrators</p> <p>50 Ill. Adm. Code 20518766</p> <p>POLLUTION CONTROL BOARD</p> <p>Effluent Standards</p> <p>35 Ill. Adm. Code 3048780</p> <p>Water Quality Standards</p> <p>35 Ill. Adm. Code 3028785</p> <p>Water Use Designations And Site Specific Water Quality Standards</p> <p>35 Ill. Adm. Code 3038829</p> <p>PROFESSIONAL REGULATION, DEPARTMENT OF</p> <p>Environmental Health Practitioner Licensing Act</p> <p>68 Ill. Adm. Code 12478834</p> <p>Illinois Public Accounting Act</p> <p>68 Ill. Adm. Code 14208837</p>	<p>Illinois Optometric Practice Act Of 1987</p> <p>68 Ill. Adm. Code 13208844</p> <p>PUBLIC AID, DEPARTMENT OF</p> <p>Child Support Enforcement</p> <p>89 Ill. Adm. Code 1608854</p> <p>Practice In Administrative Hearings</p> <p>89 Ill. Adm. Code 1048858</p> <p>SECRETARY OF STATE</p> <p>Regulations Under Illinois Securities Law Of 1953</p> <p>14 Ill. Adm. Code 1308861</p> <p>NATURAL RESOURCES, DEPARTMENT OF</p> <p>Americans With Disabilities Act Grievance Procedure</p> <p>4 Ill. Adm. Code 10008882</p> <p>AGING, DEPARTMENT ON</p> <p>Elder Rights</p> <p>89 Ill. Adm. Code 2708887</p> <p>Older Americans Act Programs</p> <p>89 Ill. Adm. Code 2308894</p> <p>CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF</p> <p>The Travel Regulation Council</p> <p>80 Ill. Adm. Code 30008899</p> <p>COMMERCE COMMISSION, ILLINOIS</p> <p>Minimum Safety Standards For Transportation Of Gas And For Gas Pipeline Facilities</p> <p>83 Ill. Adm. Code 5908906</p> <p>CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS</p> <p>Operating Procedures For The Administration Of Federal Funds</p> <p>20 Ill. Adm. Code 15208909</p> <p>EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS</p> <p>Functions And Planning Program</p> <p>23 Ill. Adm. Code 23108926</p> <p>NATURAL RESOURCES, DEPARTMENT OF</p> <p>Americans With Disabilities Act Grievance Procedure</p> <p>4 Ill. Adm. Code 600, Repeal of8930</p> <p>FIRE MARSHAL, OFFICE OF THE STATE</p> <p>Fire Prevention And Safety</p> <p>41 Ill. Adm. Code 1008932</p> <p>Storage, Transportation, Sale And Use Of Petroleum And Other Regulated Substances</p> <p>41 Ill. Adm. Code 1708945</p>
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April 18, 1997 - Issue 16: Through	March 31, 1997
July 18, 1997 - Issue 29: Through	June 30, 1997
October 17, 1997 - Issue 42: Through	September 30, 1997
January 16, 1998 - Issue 3: Through	December 31, 1997 (Annual)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Access to and Eligibility for Day Care Services

2) Code Citation: 89 Ill. Adm. Code 303

3) Section Numbers: Proposed Action:
 303.1 Repeal
 303.2 Repeal
 303.3 Repeal
 303.4 Repeal

4) Statutory Authority: Children and Family Services Act [20 ILCS 505]

5) A Complete Description of the Subjects and Issues Involved: Effective July 1, 1997, the Department of Human Services is the State agency responsible for administering the subsidized child care program and assessing eligibility for child care. These emergency amendments repeal the Department of Children and Family Services' authority to assess eligibility for child care services. The Department of Human Services will adopt rules pertaining to child care services in accordance with Public Act 90-0017.

6) Will these proposed rules replace an emergency rule currently in effect?
 Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe, Station # 65
 Springfield, Illinois 62701-1498
 217/524-1983
 TDD: 217/524-3715

The Department will consider fully all written comments on this proposed

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent agendas because: the need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the proposed repealer is identical to the text of the emergency repealer which appears in this issue of the Register on page .

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Audits, Reviews, and Investigations
- 2) Code Citation: 89 Ill. Adm. Code 434
- 3) Section Numbers: Proposed Action:
434.7 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 10].
- 5) A Complete Description of the Subjects and Issues Involved: This Part describes the Department's internal audit functions and audit requirements for service providers. The Department proposes amending this Part to delete audit requirements for day care as this function is being transferred to the Department of Human Services.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217)524-1983
TDD: (217)524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses affected: Day care centers, group day care homes and day care homes.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: The need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER f: GENERAL ADMINISTRATION

PART 434

AUDITS, REVIEWS, AND INVESTIGATIONS

Section	Purpose
434.1	Definitions
434.2	Audit Standards to be Applied and Audit Procedures to be Followed for Internal Auditing
434.3	Scope of the Internal Audit/Review or Investigation
434.4	Reports of Internal Auditors
434.5	Exit Conferences
434.6	Certified Audits, Cost Reports and Desk Reviews
434.7	Records Maintenance and Availability for Audit
434.8	Responsibilities of the Office of Internal Audits
434.9	Administrative Hearings of Draft Audit Findings and Recommendations
434.10	Referrals by Department Employees to the Investigations Unit
434.11	Severability of This Part
434.12	

AUTHORITY: Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 8634, effective September 1, 1981; amended at 8 Ill. Reg. 133, effective December 30, 1983; amended at 18 Ill. Reg. 6697, effective May 1, 1994; emergency amendment at 18 Ill. Reg. 8944, effective June 3, 1994, for a maximum of 150 days; emergency expired on October 31, 1994; amended at 19 Ill. Reg. 2760, effective February 27, 1995; amended at 21 Ill. Reg. _____, effective _____.

Section 434.7 Certified Audits, Cost Reports and Desk Reviews

- a) The Department's requirements for providers include the annual filing of a cost report (for all providers in accordance with 89 Ill. Adm. Code 357) and a certified audit of entities who receive annual payments in excess of \$50,000 in any one contract year. The certified audit for all entities must be completed and submitted within 180 calendar days after the completion of their fiscal year as required by Purchase of Service (89 Ill. Adm. Code 357.11 (f)). ~~Bay-care-providers must-complete-audits--in--accordance-with-the-Department's-Guide-for-Audits-of-Bay-Care-provider--Organizations.~~ All Governmental and not-for-profit entities must complete audits in accordance with OMB Circulars A-128 or A-133, whichever is applicable.
- b) The certified audit and related cost reports are to be reviewed by the Internal Auditors and, when appropriate, a report on the certified

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

audit or cost reports will be issued to Department officials who are responsible for the contract(s). The general objectives of the desk review and report shall determine whether:

- 1) financial and service unit information is appropriately presented and is consistent with the generally accepted accounting principles;
 - 2) costs incurred in operating the contracted service are not less than the revenues received directly for the program;
 - 3) related party transactions are appropriately recorded and disclosed;
 - 4) significant accounting practices and other information which require disclosure (as described by generally accepted accounting principles) are disclosed appropriately; and
 - 5) funds were used in accordance with Department policy and whether the entity has received monies in excess of actual reimbursable costs.
- c) The Office of Internal Audits is responsible for answering all questions regarding the preparation of a certified audit. If the Department has not received the certified audit by the deadline of 180 calendar days after the completion of the entity's fiscal year, the Office of Internal Audits will notify the entity of the delinquency and send a copy of the notice to Department regional administrative staff.
- d) All certified audits are logged in upon receipt by the Office of Internal Audits and an audit digest (summary of findings) is prepared for each audit received. If the audit does not contain adequate information, the Office of Internal Audits will send a letter to the entity to request additional information. If the certified audit does not meet the standards set out in subsection (a) of this Section, the entity will be given 30 business days to submit a new certified audit. The Office of Internal Audits will prepare a desk review report which will highlight any deficiencies that are found in the audit and will contain specific recommendations for procedural changes in the preparation of certified audits. The completed desk review report will be sent directly to the entity, with a copy to appropriate Department regional staff.
- f) Department regional staff are responsible for reviewing the recommendations contained in the desk review report and providing assistance as necessary to the entity in follow-up on the recommendations made. The desk review report may contain recommendations for contract or budget revisions which must be acted upon by the regional staff.
- g) The desk review report may contain recommendations which require an additional response from the entity before the certified audit is accepted. The entity's response and concurrence with the recommendations of the desk review report will close the desk review process.
- h) When the rates for group homes, institutions, day-care, independent

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

living, homemakers, Medicaid and unmarried mothers services are set by audited costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY 1981- FY 1994 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1995 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues which are identified will be recaptured during the following fiscal year contract period.

- i) Waiver of the certified audit requirement must be requested in writing and directed to the Department's Chief Auditor. The request should state the reason for the waiver request. A request for an extension of the deadline for submittal of the audit beyond the time specified in the contract must also be submitted in writing to the Chief Auditor. The Department's Chief Auditor will respond to requests for waivers or extensions within thirty business days, specifying approval or rejection of the waiver.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Department of Children and Family Services Employee Conflict of Interest

- 2) Code Citation: 89 Ill. Adm. Code 437

- 3) Section Numbers: Proposed Action:

437.1	Repeal
437.2	Repeal
437.3	Repeal
437.4	Repeal
437.5	Repeal
437.6	Repeal
437.7	Repeal
437.8	Repeal
437.9	Repeal
437.10	New
437.20	New
437.30	New
437.40	New
437.50	New
437.60	New
437.70	New
437.80	New
437.90	New

- 4) Statutory Authority: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].

- 5) A Complete Description of the Subjects and Issues Involved: These rules describe and prohibit behavior which constitutes conflicts of interest between the personal interest of full-time and part-time staff of the Department of Children and Family Services and the discharge of official duties in relationship to Department clients and service providers. This Part is also applicable to individuals who receive remuneration directly from the Department to a contract for personal services.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, IL 62701-1498
(217) 524-1983
TTY: 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking does not affect small businesses.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Due to the press of other matters, the Department did not publish regulatory agendas for the last two periods.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

DEPARTMENT-OF-CHILDREN-AND-FAMILY-SERVICES
EMPLOYEE CONFLICT OF INTEREST

Section	Purpose (Repealed)
437.1	Purpose (Repealed)
437.2	Definitions (Repealed)
437.3	Department Statutory Responsibilities (Repealed)
437.4	Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
437.5	Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
437.6	Prohibitions Under the Illinois Purchasing Act (Repealed)
437.7	Requirements of the Governmental Ethics Act (Repealed)
437.8	Prohibition of Employee Conflicts in the Care of Children (Repealed)
437.9	Violations of Part 437 (Repealed)
437.10	Purpose
437.20	Definitions
437.30	Department Statutory Responsibilities
437.40	Prohibition of Employee Interests and Conduct Creating Improperly or the Appearance of Improperly
437.50	Prohibitions Under the Illinois Purchasing Act
437.60	Requirements of the Governmental Ethics Act
437.70	Prohibition of Employee Conflicts in the Care of Children
437.80	Requirements of Executive Order #3 (1977)
437.90	Violations of Part 437

AUTHORITY: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2561, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; amended at 21 Ill. Reg. _____, effective _____.

Section 437.1 Purpose (Repealed)

Although--the--Illinois--Purchasing--Act--forbids--State--employees--from--acting--as paid--consultants--to--other--state--agencies--or--to--private--agencies--receiving--state funds--and--from--holding--any--contract--for--services--it--does--not--prohibit--other

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

apparent--conflicts--of--interest--such--as--an--employee--sitting--on--the--board--of--an agency--not--receiving--state--funds--but--subject--to--Department--licensing--the purpose--of--these--rules--is--to--eliminate--all--employee--impropriety--and--the appearance--of--any--impropriety.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.2 Definitions (Repealed)

"Consultant", as used in these rules, means an affiliation or a direct relationship to a facility or agency with which the Department contracts or which is licensed by the Department. The term does not include Department licensing staff who assist child care facilities in meeting requirements for licensure.

"Economic interest", as used in these rules, means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, junior college or university.

"Employee" or "state employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.3 Department Statutory Responsibilities (Repealed)

The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act (Ill. Rev. Stat. 1997 ch. 37, par. 701-1-ct-seq.) minors placed with the Department through voluntary placement agreements with parents, guardians or custodians, minors placed with the Department through adoptive surrenders, the licensing of child care facilities under the Child Care Act of 1969 (Ill. Rev. Stat. 1979 ch. 37 par. 2211-ct-seq.) and the operation of institutions and programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)

a) No employee of the Department may knowingly have any connection

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

whatsoever with any regulated or provider facility or agency which may be considered a conflict of interest or could influence the Department in the execution of its statutory duties. Therefore:

1) No employee of the Department shall serve in any capacity with or be employed on a full-time or part-time basis by any facility or agency with which the Department has a contract or which the Department licenses. Foster, family and day care home licenses are exempted from this restriction.

2) No employee shall act as a consultant, paid or unpaid, to any facility or agency if such consultation enables the facility or agency to meet Department licensing requirements or to secure Department approval for program or staffing.

b) If a Department employee has a connection with a regulated or provider facility or agency which may be considered a conflict of interest in accordance with subsection (a) above or could influence the Department in its execution of its statutory duties, the administrator of the unit shall refer the situation to the Department office of internal audits for a review and opinion.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)

Inasmuch as the Department has an extensive grant and purchase of service program:

a) Any Department employee who serves on the Board of Directors or Professional Advisory Committee in either a paid or unpaid capacity of any agency or facility which receives funds from the Department by any means or mechanism, including grants, purchase of service or contracts, shall notify the Director of the Department or designee. Such notification will result in the employee's not being involved in placing with monitoring, licensing or evaluation of the agency or facility.

b) No employee shall knowingly have an economic interest of any character, nature or amount in any agency or facility which receives Department funds, whether by grant, purchase of service, contract or any other mechanism in violation of the Illinois Purchasing Act. Any employee presently holding such economic interest in such agencies or facilities shall divest themselves of their interest within a reasonable time not to exceed six months after being notified that the conflict exists.

c) No employee or the employee's spouse or minor child may knowingly own stock, bonds, debentures, shares or any other species of ownership or debt interest in any facility or agency which receives Department funds, whether by grant, purchase of service, contracts or other funding mechanism in violation of the Illinois Purchasing Act.

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- d) When--any--employee's--spouse--or--minor--child--occupies--a--position--with--a--facility--or--agency--which--serves--children--placed--by--the--Department--and--the--employee--is--involved--in--placing--with--monitoring--licensing--or--evaluation--of--the--agency--or--facility--the--employee--shall--notify--the--Director--of--the--Department--or--designee.---Such--notification--shall--result--in--the--employees--not--being--involved--in--placing--with--monitoring--licensing--or--evaluation--of--the--agency--or--facility.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)

The Illinois Purchasing Act provides that--no--state--employee--may--have--any--contract--for--services--materials--or--supplies--with--any--entity--which--may--be--satisfied--in--whole--or--in--part--by--the--expenditure--of--state--funds.---Specifically--excluded--from--the--language--of--the--Purchasing--Act--are--employees--acting--as--foster--parents--of--children--for--whom--the--Department--is--legally--responsible.---The--Governor--may--grant--exceptions--for--employees--whose--service--to--the--state--is--deemed--sufficiently--important--to--outweigh--the--public--policy--expressed--in--the--law.---Any--Department--employee--hoping--to--work--for--any--agency--or--facility--which--receives--state--funds--must--apply--for--and--receive--an--exemption--from--the--Purchasing--Act--prior--to--accepting--such--employment.---The--Purchasing--Act--does--not--apply--to--contracts--between--an--employee--and--any--state--aided--school--district,--junior--college--district,--state--university--or--any--institution--under--the--Board--of--State--Colleges--and--Universities--or--under--the--Board--of--Regents.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.7 Requirements of the Governmental Ethics Act (Repealed)

- a) Department employees are required by the Illinois Governmental Ethics Act--[5--tBES-42b]-to--file--a--yearly--statement--disclosing--their--economic--interests--when--employees--
 1) are--or--function--as--the--head--of--a--department,--commission,--board,--division,--bureau,--authority--or--other--administrative--unit--within--the--government--of--this--State,--or--who--exercise--similar--authority--within--the--government--of--this--State,
 2) have--direct--supervisory--authority--over,--or--direct--responsibility--for,--the--formulation,--negotiation,--issuance--or--execution--of--contracts--entered--into--by--the--State--in--the--amount--of--\$5,000--or--more;
 3) have--authority--for--the--issuance--or--promulgation--of--rules--and--regulations--within--areas--under--the--authority--of--the--State;
 4) have--authority--for--the--approval--of--professional--licenses;
 5) have--responsibility--with--respect--to--the--financial--inspection--of--regulated--nongovernmental--entities;

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- 6) adjudicate,--arbitrate,--or--decide--any--judicial--or--administrative--proceeding,--or--review--the--adjudication,--arbitration--or--decision--of--any--judicial--or--administrative--proceeding,--within--the--authority--of--the--State;--or
 7) have--supervisory--responsibility--for--20--or--more--employees--of--the--State (Section 4A-101 of the Act);

- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest but fails to file the Statement by May 1 of each year will be subject to a \$1500 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$1000 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$1500 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.

- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)

No employee of the Department may take a child or in any way be involved in arranging or facilitating the transportation of a child for whom the Department is providing services to the employee's residence unless:

- a) the employee is a licensed foster parent and the child has been placed with the employee for foster care purposes; placement of a child with a Department employee must be approved by the deputy director responsible for the region/site; or
 b) a child aged 16 or over has been placed in an independent living arrangement and the child is residing in an apartment or other separate unit of the building where the employee resides; or
 c) the child is attending a party, family gathering or other function and the child's attendance is approved in writing by the employee's supervisor; or
 d) the child is staying overnight because of inclement weather or other emergency. Overnight visits must be approved by the deputy director responsible for the region/site.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.9 Violations of Part 437 (Repealed)

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- a) ~~Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties, suspension, or discharge from Department employment.~~
- b) ~~The Department may require any employee in violation of the foregoing to document all of his or her actions undertaken in order to comply with all of the provisions of this Part.~~
- c) ~~The severity of discipline imposed in accordance with the Illinois Department of Personnel's rules will be based, in part, upon whether the employee:~~
- 1) ~~Used the Department of Children and Family Services position for private gain (other than salary);~~
 - 2) ~~Gave preferential treatment to any organization or person;~~
 - 3) ~~Impeded or adversely affected governmental efficiency or economy;~~
 - 4) ~~Failed to act independently or impartially;~~
 - 5) ~~Affected adversely the confidence of the public in the integrity of the Department of Children and Family Services.~~

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 437.10 Purpose

The purpose of these rules is to define and prohibit all employee impropriety and the appearance of any impropriety. These rules apply to employee conduct in relationship to any entity which is licensed or regulated by the Department of Children and Family Services or which provides services for the Department pursuant to a grant, contract, or purchase of service agreement from or with the Department and families with whom the Department has adoption assistance agreements.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.20 Definitions

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, or youth emergency shelter. The term "foster family home" includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption. The term "foster family home" is further defined in paragraph 2.17 of the Child Care Act of 1969.

"Conflict of interest" means an employee uses his or her official position for private gain (other than salary), gives preferential

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treatment to any entity or person in the conduct of official duties because of personal interest, impedes or adversely affects governmental efficiency or economy because of personal interest, fails to act impartially in the conduct of official duties because of personal interest, or engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgment could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.

"Decision-making function" or "decision-making authority" means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "state employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

"Immediate family member" means any of the following relationships by blood, marriage or adoption: wife, husband, son, daughter, mother, father, sister, brother, or a legal dependent as claimed on the most recent federal income tax return.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, preferential treatment for oneself or another depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage or adoption, or that one has or has had a social, business or other relationship that has the potential to influence or affect one's objectivity.

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"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

"State agencies", as defined by the Illinois State Auditing Act [30 ILCS 5], means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State and administrative units or corporate outgrowths of State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.30 Department Statutory Responsibilities

The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405]; minors placed with the Department through voluntary placement agreements with parents, guardians or custodians; minors placed with the Department through adoptive surrenders, or otherwise provided services in accordance with the Children and Family Services Act [20 ILCS 505]; the licensing of child care facilities under the Child Care Act of 1969 [225 ILCS 10]; and the operation of programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety

- a) No employee shall use his or her official position for private gain (other than salary), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.
- b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of

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service agreement with the Department, to the extent that such service or employment creates a conflict of interest, as defined in Section 437.20. Foster family home and day care home licenses are exempt from this restriction.

- c) No employee shall act as a consultant, paid or unpaid, to any entity if such consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing to the extent that such consultation creates a conflict of interest as defined in Section 437.20.
- d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department, shall immediately notify the Director of the Department or designee. Such notification shall result in the employee not being involved in any decision-making function that impacts that child care facility or entity. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of themselves or persons with whom they have a personal relationship.
- e) No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others under circumstances that might reasonably be construed to influence the performance of their official duties.
- g) No employee shall solicit or accept payment, gift, favor, service, discount, loan, entertainment, or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.
- h) No employee may accept an honorarium for speeches, panel participation or written materials when:
 - 1) he or she is speaking or writing as a representative of the Department; or
 - 2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or
 - 3) travel and related expenses are paid by the State.
- i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted at a single event shall not exceed \$75. Any employee receiving such tokens that exceed \$200 in value in the aggregate

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during a single fiscal year shall notify the Department's office of internal audits within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).

j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.

k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.

l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.

m) No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.

n) When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.

o) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the

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Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home.

p) An employee who currently holds a license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished within one year of the effective date of this amendment or prior to the renewal of the license, whichever occurs first.

q) An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.

r) An employee who accepts employment at a juvenile court, other State agency, the legislature or a legislative commission or committee, or any entity that has a grant, contract or purchase of service agreement with the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Purchasing Act [30 ILCS 505]. (See Section 437.50.)

s) An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.

t) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere

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with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.50 Prohibitions Under the Illinois Purchasing Act

- a) Employees who are receiving remuneration for services as State employees of the Department are subject to the prohibitions of the Illinois Purchasing Act [30 ILCS 505]. Very generally, the Illinois Purchasing Act prohibits certain contracts and economic interests of State employees, their spouses, and minor children. It also contains a reporting requirement and an exemption provision. All State employees must comply with the provisions of the Illinois Purchasing Act. State employees should, therefore, consult the Act to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Act. Section 11.1 of the Purchasing Act [30 ILCS 505/11.1] excludes from its restrictions payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for teaching services at a public or private college, community college or university.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.60 Requirements of the Illinois Governmental Ethics Act

- a) Employees who are receiving remuneration for services as State employees of the Department are required by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Article 4A] to file a yearly statement disclosing their economic interests when they:

- 1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;
- 2) have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or

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more;

- 3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;
 - 4) have authority for the approval of professional licenses;
 - 5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;
 - 6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State; or
 - 7) have supervisory responsibility for 20 or more employees of the State. [Section 4A-101 of the Act]
- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.70 Prohibition of Employee Conflicts in the Care of Children

No employee shall take a child for whom the Department is legally responsible to the employee's residence, or in any way be involved in arranging or facilitating the transportation of such a child to the employee's residence unless:

- a) the employee is a licensed foster parent or unlicensed relative caregiver and the child has been placed with the employee for foster care or adoption purposes. Placement of a child with an employee must be approved by the administrator responsible for the region; or
- b) the person(s) responsible for the day to day care of the child has consented to the child's visit to the employee's residence or has authorized the employee to transport the child in-state and, for purposes of transportation, the employee has a valid driver's license, insurance as required by law, and uses appropriate child safety restraint devices; or
- c) a child age 16 or over has been placed in an independent living arrangement, supervised by a different employee or another agency, and the child is residing in an apartment or other separate unit of the

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- d) building where the employee resides; or the administrator responsible for the region has approved the child staying overnight at the employee's residence because of inclement weather or other emergency. Verbal approval by the administrator must be confirmed in writing the next business day.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.80 Requirements of Executive Order #3 (1977)

- a) In addition to the requirements of the Illinois Governmental Ethics Act, certain employees in critical government positions are required to file a Statement of Personal Economic Disclosure. This is a requirement of Executive Order #3 (1977), "Personal Economic Disclosure." Staff included under Executive Order #3 are the following: appointed by the Governor, approve and certify vouchers; issuance of contracts, licensing, financial inspection of regulated private entities; staff in policy-making positions; or such other responsibilities determined to have potential conflict of interest.
- b) The Department's Office of Internal Audits contacts each employee subject to Executive Order #3 by memorandum instructing them to complete the attached Statement of Economic Interest that is attached to the memorandum and return it to the State Board of Ethics no later than April 30 of each year. Failure to file in a timely manner, or the willful making of a false, misleading, or incomplete Statement of Economic Interest or failure to cooperate with the State Board of Ethics shall be grounds for disciplinary action, including dismissal.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 437.90 Violations of Part 437

- a) Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties, suspension, or discharge from employment.
- b) Any employee who has reasonable cause to believe that an employee is in violation of any of the provisions of this Part shall refer the matter to the Department's Office of Internal Audits.
- c) The Department may require any employee who appears to be in violation of any of the provisions of this Part to document all of his or her actions undertaken in order to comply with all of the provisions of this Part.
- d) Discipline imposed for violations of this Part will be based, in part, upon whether the employee:
- 1) Used his or her official position for private gain (other than salary);

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- 2) Gave preferential treatment to any entity or person in the conduct of official duties because of personal interest or personal relationship;
- 3) Impeded or adversely affected governmental efficiency or economy because of personal interest or personal relationship;
- 4) Failed to act impartially in the conduct of official duties because of personal interest or personal relationship; or
- 5) Engaged in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Financial Responsibility of Parents or Guardians of the Estates of Children
- 2) Code Citation: 89 Ill. Adm. Code 352
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
352.2	Amend
352.3	Amend
352.4	Amend
352.7	Amend
352. Appendix A	Repeal
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/9.1 through 9.9]

5) A Complete Description of the Subjects and Issues Involved: Subsidized child care is available to persons who are employed or who are in training programs approved by the Department of Human Services. Parents will be required to make co-payments toward the cost of the day care services their children are receiving. The amount of the co-payment will depend upon the family's total income, family size, and number of children receiving care. Effective July 1, 1997, the Department of Human Services is the State agency responsible for administering the subsidized child care program and assessing parental co-payments toward the costs of child care. These emergency amendments repeal the Department of Children and Family Services' authority to assess child care fees. The Department of Human Services will adopt a schedule for assessing co-payments in accordance with Public Act 90-0017.

6) Will these proposed amendments replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief

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Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) State Reason(s) for this rulemaking if it was not included in either of the two most recent regulatory agendas: This rule was not included on either of the 2 most recent agendas because the need for this rulemaking was not anticipated when the Department last filed regulatory agendas.

The full text of the proposed amendments begins on page 9136

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- 1) Heading of the Part: Grants-In-Aid
- 2) Code Citation: 89 Ill. Adm. Code 360
- 3) Section Numbers: Proposed Action:
360.2 Amend
360.3 Amend
360.5 Repeal
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Child Care Act of 1969 [225 ILCS 101.
- 5) A Complete Description of the Subjects and Issues Involved: This Part describes requirements and application procedure for the Department's grants-in-aid program. The Department proposes amending this Part to delete grants-in-aid programs for day care as this function is being transferred to the Department of Human Services.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: 217/524-1983
TDD: 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking could affect day care homes and day care centers.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the need for the rulemaking was not anticipated at the time of the last two regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 360
GRANTS-IN-AID

Section	Purpose
360.1	Purpose
360.2	Definitions
360.3	General Characteristics of Grants in-Aid
360.4	Applications for Grants
360.5	Grants-in-Aid for Day Care (Repealed)
360.6	Grants-in-Aid for Child Abuse and Neglect Research, Demonstration and Development
360.7	Continuation of Grants-in-Aid (Repealed)
360.8	Monitoring and Required Reports (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 7807, effective August 3, 1981; amended at 8 Ill. Reg. 17263, effective October 1, 1984; amended at 9 Ill. Reg. 7928, effective May 15, 1985; amended at 21 Ill. Reg. _____, effective _____.

Section 360.2 Definitions

"Child abuse and neglect grants" means the grants-in-aid program for the research, demonstration or practice development for the prevention or treatment of child abuse and neglect.

"Day-care-grants" means the grants-in-aid program to encourage the development and operation of new day-care facilities or to aid the expansion, operation, or improvement of existing licensed day-care facilities.

"Day-care-provider" means day-care homes and day-care centers as defined in the Child Care Act of 1969.

"Grants-in-aid" are funding mechanisms whereby the Department makes awards of financial assistance to individuals or organizations for the purpose of program development or innovation related to child abuse and neglect. Grants-in-aid programs include child abuse and neglect and day care.

"Request for Proposal" (RFP) for purposes of this Part part, means a form of invitation to bid which the Department uses to determine to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

whom grant monies will be allocated. The RFP explains the purpose, outlines the scope of the work and solicits proposals from individuals and organizations for the funding of services for certain initiatives or projects which address needs identified in the Department's Human Service Plan.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 360.3 General Characteristics of Grants in-Aid

a) Grants-in-aid are used for the following general purposes:

- 1) To provide initial start-up funding for programs in their developmental stages.
- 2) Demonstration or pilot projects.
- 3) Research or other non-direct service projects.
- 4) To promote local community-based programs in the areas that lack needed services.

5) To promote programs of value to child welfare and youth service in general, even though the Department does not make direct use of them for its own clients.

b) Grants are generally paid in advance or on a monthly or quarterly basis, as opposed to purchase of service contracts (see 89 Ill. Adm. Code 357: Purchase of Service) which are paid based on units of service after the service has been provided. However, grants may also be based on provision of a minimum level of units of service or a deliverable product.

c) Other sources of support from the Department or the community should supplement grant support as the project moves from the development or demonstration phase to becoming an ongoing program. Projects which are not eligible for financing from other Department funding sources may be considered for grant funding continuation provided the project's goals and objectives are being met, there is a continuing need for the project, no other funding sources are available and continued grant funds from the Department are available.

d) All grantees receiving a grant of more than \$50,000 \$25,000 from the Department shall provide the Department with an independent, certified audit within 180 days after the close of the grantee's fiscal year. Additionally, all grantees shall provide the Department with reports as stipulated in the grant contract and keep fiscal and programmatic records which document the ways in which grant monies were spent and services were rendered. Such required record keeping includes, but is not limited to:

1) establishment of financial record keeping which includes:

- A) Cash Receipts Journal
- B) Cash Disbursements Journal
- C) General Journal
- D) General Ledger

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- E) all cash disbursements and/or expenses must be fully supported by documentation; such as, invoices, time sheets, time studies, or approved cost allocation plans.
- 2) establishment of programmatic compliance record keeping which include:
- individual client files on each client applying for and receiving service.
 - schedule of service provided to each client which includes the date and time service was provided, and the agency's employee providing service.
- e) Disallowable costs for which grant monies may not be used are the same as the disallowable costs set forth in Rate Setting, 89 Ill. Adm. Code 356.60 356-6.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 360.5 Grants-in-Aid for Day Care (Repealed)

- a) Day-care--grants--may-be-provided--as-funding-is-available--for-those areas-of-the-state-when-do-not-have-sufficient-day-care--resources--the-Department-provides-day-care-to-children-of-families-in-stress-and crisis--to-children-of-recipients-of-public-assistance-to-allow training-or-employment-of-the-parent-and-to-children-of-low-income families-to-allow-employment-or-training-of-the-parent-directed-toward achieving--the-goal-of-economic-self-support--As-funding-attows--the Department-will-publish-day-care-priorities-with-guidelines-requesting grant-applications--These-priorities-will-be-based-upon-an-assessment of-day-care-needs.
- b) In-order-to-qualify-for-funding-of-a-day-care-grant--the-applicant-and the-Department-shall-document-in-writing:
- the-need-for-the-grant-in-aid-as-determined-by--the--Department's needs-assessment-of-the-area
 - A--program--design--which--includes--objectives--goals--scheduled activities--and-evaluation-procedures
 - The-ability-of-the-applicant-to-deliver-the-services--and
 - The-fact-that-other-funding-sources-have-been-developed--to--the fullest--and--that--these--sources--will-not-be-diminished-if-the grant-is-received
- e) Day-care-grants-are-not-to-be-used-as-a-substitute-for-buying-days--of care-through-purchase-of-service.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Planning For Statewide Resource Allocation
- 2) Code Citation: 89 Ill. Adm. Code 326
- 3) Section Numbers: Proposed Action:
326.5 Amend
326.9 Amend
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to delete planning responsibility for day care and the Illinois Juvenile Justice Commission as these functions are being transferred to the Department of Human Services. The rules are being further amended to include coordination of services with the Department of Human Services and to update the name of the Division of Specialized Services For Children.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, IL 62701-1498
(217) 524-1983
TDD: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking does not affect small businesses.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking was not anticipated.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 326

PLANNING FOR STATEWIDE RESOURCE ALLOCATION

Section

326.1

Purpose

326.2

Definitions

326.3

Targeted Statewide Client Populations

326.4

Department Planning Responsibilities

326.5

Department Planning Documents

326.6

Department Budgeting Responsibilities

326.7

Department Evaluation Responsibilities

326.8

Planning and Evaluation of Purchased Services

326.9

Department Coordination of Services with Other Agencies and Illinois Courts

326.10

Community Relations

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].

SOURCE: Adopted and codified at 5 Ill. Reg. 6766, effective June 26, 1981; amended at 8 Ill. Reg. 5640, effective April 30, 1984; amended at 21 Ill. Reg. _____, effective _____.

Section 326.5 Department Planning Documents

a) The Department shall prepare planning documents required by State and Federal laws and regulations and shall assist, when so required, in the preparation of other such planning documents. In addition to required plans, the Department shall prepare other planning documents to facilitate effective management and judicious allocation of Department resources.

b) Planning Documents Required by the Federal Government
Planning documents the Department is required by the federal government to prepare or assist in preparing include the following federal requirements of the Social Security Act, as amended--the ~~Juvenile Justice and Delinquency Prevention Act of 1974~~--as amended:

1) The Title IV-B Child Welfare Services Plan (42 U.S.C. 620 et seq.) is prepared annually by the Department as the designated single state agency for IV-B administration. Under Title IV-B, formula grants are allocated to the states for providing and improving child welfare services to children and families in need of services. The Title IV-B plan is required by federal regulations, 45 CFR 1355, 45 CFR 1357, and 45 CFR 1932, issued by the Department of Health and Human Services. It contains a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

description of all child welfare services to be provided, the geographic areas in which they are available and what is being done to expand, improve and strengthen those services or provide new ones.

- 2) The Title IV-E Foster Care and Adoption Assistance Program Plan (42 U.S.C. 670 et seq.) prepared by the Department as the designated single state agency for IV-E administration. Once the original plan has been submitted and approved by the federal government, the Department need only submit amendments to the plan whenever they are required by the federal government in accordance with 45 CFR 1356.20d, as a result of significant changes in the information or assurances in the plan, or the organization, policies or operations described in the plan.
- 3) The Report on Projected Expenditure for the State Social Services Block Grant, prepared by the Illinois Department of Public Aid, the state's designated state agency for Title XX Block Grant administration. The Report shall summarize service programs provided by state agencies pursuant to 45 CFR 96.1 et seq. with Title XX Block Grant funding to meet the program goals defined by the Block Grant legislation (42 U.S.C. 1397f). The annual comprehensive plan to address the state's compliance with Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is prepared by the Department in order to receive its annual formula grant under the provisions of the Act. The Director shall submit the plan to the Illinois Juvenile Justice Commission to address the state's compliance with the Act. The Commission, which is described in 99 Ill. Adm. Code 429, Department Advisory Council, Illinois Juvenile Justice Commission, and Other Statewide and Regional Committees, has the responsibility of review and final approval of the plan. Upon approval by the Commission, the Director shall submit the plan to the federal government. Funds subsequently received by the Department from the federal government are disbursed according to the rules contained in 89 Ill. Adm. Code 369, Grants in Aid.
- 4) The Department will make planning documents required by the federal government available for public review and inspection. The planning documents required by the State Human Services Plan (Phase I and Phase II) is a planning document required by the State and the State Plan for Day Care. The annual plan for providing statewide day care services shall be integrated with the Human Services Planning process and shall be a part of the Human Services Plan. The Human Services Plan is developed in accordance with guidelines issued by the Illinois Bureau of the Budget.
- 5) The Department shall coordinate and integrate Phase I and II of its Human Services Plans with the Department's assessment of

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client needs and the budget development process.

2) In Phase I, Human Services Data Report, the Department will show the relationship of resource allocation to Department programs and statewide targeted client populations for three fiscal years: the past fiscal year, the current fiscal year, and the next fiscal year. In addition, the Department shall analyze and compare the actual expenditures for the past fiscal year to the planned expenditures, report on expenditures and fiscal projections for the current and prospective fiscal years, and generally describe long-range goals and emerging issues.

3) In Phase II of the Human Services Plan, the Department shall analyze a specific program or a series of emerging issues in order to specify service planning initiatives and long-range program goals. In addition, the Department shall include a family impact statement indicating how its actions have strengthened and promoted stability within Illinois families.

4) The Department will solicit public comment on both phases of its Human Services Plan in accordance with instructions provided by the Illinois Bureau of the Budget.

d) The Department will make the final Federal and State planning documents identified in subsections (b) and (c) of this Section available to the public for their review and inspection.

e) In addition to required plans, the Department will prepare other planning documents to facilitate effective management of the Department and judicious allocation of resources.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 326.9 Department Coordination of Services with Other Agencies and Illinois Courts

The Department will report to the Governor at least annually on the extent to which its services have been coordinated with other state agencies. These agencies shall include the Department of Human Services, Mental Health, and Developmental Disabilities, the Department of Corrections, the Department of Public Aid, the Department of Public Health, the Illinois State Board of Education, the Division of Specialized Care for Children, the Department of Children and Family Services, and any other state agencies with whom the Department should coordinate services. The Department shall assess the impact upon its services caused by referrals from other state agencies, Illinois courts, interstate agreements, and any other sources which necessitate a further need for planning and resource development. Significant issues and planning obstacles shall be identified and remedies proposed as appropriate.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay-Per-Call Services2) Code Citation: 83 Ill. Adm. Code 7723) Section Numbers: Proposed Action:

772.20	Amendment
772.45	Amendment
772.50	Amendment
772.55	Amendment
772.90	Amendment
772.130	Amendment
772.135	Amendment

4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will establish the #NXX abbreviated dialing code format for pay-per-call services. Under the proposed rules, LECs will be required to automatically block abbreviated dialing pay-per-call codes for those customers that currently have blocking of pay-per-call numbers.6) Will these proposed amendments replace emergency amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the *Illinois Register*.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments will affect those LECs and those information providers that are also small businesses as defined in the Illinois Administrative Procedure Act [5 ILCS 100].

B) Reporting, bookkeeping or other procedures required for compliance: These amendments will require record keeping procedures.

C) Types of professional skills necessary for compliance: These amendments will require managerial skills.

13) Regulatory Agenda on which this rulemaking was summarized: These amendments were not included on either of the 2 most recent agendas because the Commission did not anticipate this rulemaking.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER f: TELEPHONE UTILITIES

PART 772

PAY-PER-CALL SERVICES

Section	Applicability
772.10	Definitions
772.20	Preamble
772.30	Presubscription Arrangements by Credit Card or Charge Card
772.35	Identification of Information Providers
772.40	Limitations on the Provision of Pay-Per-Call Services
772.45	Number Designation and Restrictions on the Use of 800 Numbers
772.50	Billing
772.55	Partial Payments
772.60	Deposits
772.70	Disconnection
772.80	Blocking
772.90	Involuntary Blocking
772.100	Notices
772.110	Restrictions on Collect Telephone Calls
772.120	Generation of Signalling Tones
772.130	Verification of Charitable Status
772.135	Dispute Procedures
772.140	Recovery of Cost
772.150	

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301 and 10-101].

SOURCE: Adopted at 18 Ill. Reg. 15723, effective November 1, 1994; amended at 21 Ill. Reg. _____, effective _____.

Section 772.20 Definitions

"Abbreviated dialing code" means an alternative dialing arrangement consisting of #NXX, where the # represents the # symbol key on the telephone key pad, N represents any digit 2 through 9, and X represents any digit 0 through 9.

"Basic telecommunications service" means both local exchange and interexchange service.

"Blocking" means the inability to access intrastate pay-per-call services.

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"Information provider" means the sponsor that supplies the information, product, or entertainment source.

"Pay-per-call service" means any service:

In which any person provides or purports to provide:

Audio information or audio entertainment produced or packaged by such person;

Access to simultaneous voice conversation services; or

Any service, including the provision of a product, the charges for which are assessed on the basis of the completion of the call;

For which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call; and

Which is accessed through the use of an abbreviated dialing code, a 900 service access code or 976 exchange code.

Such term does not include directory services provided by a common carrier or its affiliate or by a local exchange carrier or its affiliate.

"Presubscription or comparable arrangement" means a contractual agreement in which the information provider discloses to the subscriber all terms and conditions associated with the use of the service, including the information provider's name and address, a local or toll-free telephone number which the consumer may use to obtain additional information or to register a complaint, and the rates for the service; the information provider agrees to notify the subscriber of any future rate changes; the subscriber agrees to utilize the service on the terms and conditions disclosed by the information provider; and the information provider requires the use of an identification number or other means to prevent unauthorized access to the service by nonsubscribers.

"Subscriber" means a customer as defined in 83 Ill. Adm. Code 735.10.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 772.45 Limitations on the Provision of Pay-Per-Call Services

Any telecommunications carrier assigning a telephone number or abbreviated dialing code to a provider of intrastate pay-per-call service shall require, by

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NOTICE OF PROPOSED AMENDMENTS

contract or tariff, that such provider comply with the provisions of the Pay-Per-Call Services Consumer Protection Act and this Part. Such contract or tariff shall provide that violation of the contract or tariff shall result in termination of service to the provider of intrastate pay-per-call services.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 772.50 Number Designation and Restrictions on the Use of 800 Numbers

- a) Any intrastate pay-per-call service shall be offered only through telephone numbers beginning with a 900 service access code, or 976 exchange code, or abbreviated dialing code.
- b) Telecommunications carriers shall prohibit, by contract or tariff, the use of any telephone number beginning with an 800 service access code, or any other telephone number advertised or widely understood to be toll free, in a manner that would result in:
 - 1) The calling party or the subscriber to the originating line being assessed, by virtue of completing the call, a charge for the call;
 - 2) The calling party being connected to a pay-per-call service;
 - 3) The calling party being charged for information conveyed during the call unless the calling party has a presubscription or comparable arrangement; or
 - 4) The calling party being called back collect for the provision of audio or data information service, simultaneous voice conversation service, or products.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 772.55 Billing

- a) The bill for pay-per-call service shall:

- 1) Appear under a separate heading that identifies the applicable pay-per-call telephone service charges. Telecommunications carriers shall comply with the requirements of this subsection by May 1, 1995;
- 2) Identify on the bill the type of service and the number or the abbreviated dialing code that was called, the amount of the charge, the date, time, and for calls billed on a time-sensitive basis, the duration of the call;
- 3) Display the local or toll-free telephone number where subscribers can obtain answers to their questions and information on their rights and obligations with regard to their use of pay-per-call services, and can obtain the name and mailing address of the provider of pay-per-call services; and
- 4) Include a statement indicating that:

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- A) Such charges are for non-telecommunications services;
 - B) Neither local nor long distance service can be disconnected for non-payment although an information provider may employ private entities to seek to collect such charges;
 - C) Blocking 900--and--976--number--blocking is available upon request for services accessed through a 900 access code, 976 exchange code or abbreviated dialing code; and
 - D) Access to pay-per-call services may be involuntarily blocked for failure to pay legitimate charges.
- b) The local exchange carrier or intrastate telecommunications carrier of any pay-per-call telephone information services which bills for pay-per-call services shall agree to issue to a subscriber a one-time waiver of disputed charges for each type of dialing arrangement permitted by Section 772.50 (a). Subscribers are required to dispute pay-per-call charges within 60 days after the issue date of such charges to qualify for the one-time waiver. Credits resulting from disputed pay-per-call charges that are determined by the local exchange carrier after investigation to have been billed to the wrong telephone number or billed at the incorrect rate shall be considered in error and shall not be considered a waiver.

- c) Any telecommunications carrier offering billing and collection services to an entity providing intrastate information service pursuant to a presubscription or comparable arrangement, or for intrastate tariffed collect information services, shall, to the extent possible, display the billing information in the manner described in subsection (a)(2) above.

- d) Any telecommunications carrier assigning a telephone number or abbreviated dialing code to a provider of intrastate pay-per-call services and offering billing and collection services to such provider shall not bill a subscriber for intrastate pay-per-call services that such carrier knows or reasonably should know were provided in violation of the Pay-Per-Call Services Consumer Protection Act or this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 772.90 Blocking

- a) A local exchange carrier shall provide blocking, where technically feasible, at no charge for each type of dialing arrangement permitted by Section 772.50 (a) on a one-time basis to all telephone subscribers.
- b) The local exchange carrier may charge a non-recurring fee for each subsequent request for blocking or unblocking pay-per-call service. These charges shall be filed with the Illinois Commerce Commission pursuant to Section 9-201 of the Public Utilities Act [220 ILCS 5/9-201].

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- c) A subscriber who transfers service to a new location and is served by the same local exchange carrier shall be able to maintain blocking of pay-per-call service without any additional charge to establish blocking at the new location.
- d) Requests by subscribers to remove pay-per-call blocking must be in writing to the local exchange carrier.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 772.130 Generation of Signalling Tones

No telecommunications carrier shall assign a telephone number or abbreviated dialing code for any pay-per-call service which employs broadcast advertising which generates the audible tones necessary to complete a call to a pay-per-call service.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 772.135 Verification of Charitable Status

Any telecommunications carrier assigning a telephone number or abbreviated dialing code to a provider of intrastate pay-per-call services that the carrier knows or reasonably should know is engaged in soliciting charitable contributions shall obtain verification that the entity or individual for whom contributions are solicited has registered with the Attorney General of the State of Illinois pursuant to Section 2 of the Solicitation for Charity Act [225 ILCS 460/2].

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Number: Proposed Action:
 1501.114 Amendment
 1501.201 Amendment
 1501.308 Amendment
 1501.501 Amendment
 1501.510 Amendment
 1501.522 New
- 4) Statutory Authority: Sections 2-12, 2-15, and 2-16 of the Public Community College Act [110 ILCS 805/2-12, 2/15, and 2-16.02]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed revisions to ICCB rules regarding recognition are a result of a thorough review of the recognition process for the upcoming five-year cycle. The proposed revisions to reporting requirements is a result of the establishment of uniform financial accounting and reporting standards and principles for reporting financial data to the ICCB. The proposed new ICCB rules regarding Deferred Maintenance Grants are needed to administer grant funds in the fiscal year 1998 system operating budget request to be used by community colleges for miscellaneous noncapital deferred maintenance improvements such as minor rehabilitation, remodeling, improvements, and repairs.

6) Will these proposed amendments replace emergency rules currently in effect
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1501.302	Amendment	May 16, 1997, 21 Ill. Reg. 5968
1501.521	New	May 16, 1997, 21 Ill. Reg. 5968

10) Statement of Statewide Policy Objectives (if applicable): Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jill O'Shea
 Director for Governmental Relations

DEPARTMENT OF COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Community College Board
509 South Sixth Street, Suite 400
Springfield, Illinois 62701-1874
217/785-0213
217/524-4981

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section	
1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

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1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
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SUBPART D: STUDENTS

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Section
 1501.401 Definition of Terms
 1501.402 Admission of Students
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 1501.405 Student Evaluation
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 1501.502 Financial Planning
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 1501.514 Business Assistance Grants (Repealed)
 1501.515 Advanced Technology Equipment Grants
 1501.516 Capital Renewal Grants
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SUBPART F: CAPITAL PROJECTS

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 1501.603 State Funded Capital Projects
 1501.604 Locally Funded Capital Projects
 1501.605 Project Changes
 1501.606 Progress Reports (Repealed)
 1501.607 Reporting Requirements
 1501.608 Approval of Projects in Section 3-20.3.01 of the Act
 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
 1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section
 1501.701 Definitions of Terms

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1501.702 Applicability
 1501.703 Recognition
 1501.704 Programs
 1501.705 Finance
 1501.706 Personnel
 1501.707 Facilities

SUBPART H: PERSONNEL

Section
 1501.801 Definition of Terms
 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [10 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 13 Ill. Reg. 1182, Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 14904, effective September effective January 13, 1989; amended at 13 Ill. Reg. 299, effective November 9, 1989, 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 21 Ill. Reg. 11527, effective April 22, 1997; amended

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at 21 Ill. Reg. _____, effective _____.

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section 1501.114 Recognition

a) Recognition Provisions

1) Recognition Status. A district will be granted a status of recognition continued, recognition continued-with conditions, or recognition interrupted.

2) Effect of Recognition Continued. A district which has been granted the status of recognition continued will be entitled to receive ICCB grants for which it is otherwise entitled and eligible.

3) Effect of Recognition Continued-With Conditions. A district which has been assigned the status of recognition continued-with conditions will be entitled to receive ICCB grants for which it is otherwise entitled and eligible, but it will be given a specified time to resolve the conditions which led to its assignment to that status. A follow-up visit will be scheduled not sooner than three nor later than nine months after ICCB action on the assignment to determine the district's progress in resolving the conditions.

4) Effect of Recognition Interrupted. A district which has been assigned a status of recognition interrupted may apply for recognition at such time as all requirements set forth by the ICCB have been satisfied. A district on recognition interrupted status will have state funding suspended on a prorata, per diem basis for the period of time for which such status is in effect.

5) Recognition Action. Recognition is considered to be continuous unless action is taken to interrupt it. The ICCB will act on the recognition status of each district at the meeting subsequent to the ICCB recognition report being received. A district which previously has not been granted a recognition status by the ICCB may apply for a recognition status at any time. A district which has the status of recognition continued shall apply for continuation of that status at least 30 thirty days prior to a scheduled recognition team visit.

b) Evaluation. The ICCB staff recognition team will conduct an in-depth on-site evaluation of each district at least once every five (5) years. Additional or alternate focused evaluations visits may be conducted scheduled to review circumstances of alleged gross noncompliance with ICCB standards. The purpose of the evaluation will be to determine compliance with ICCB standards. The evaluation may include an on-site visit. No district will be assigned a recognition status without having received a prior in-depth on-site evaluation. A district will receive a draft report of the recognition team's findings no later than thirty (30) days after the conclusion of the

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evaluation an-on-site-visit. The district will have 30 days to review the draft report, respond to compliance recommendations, and return the responses to ICCB. A final report will be presented to the ICCB at its next regularly scheduled meeting and will include the district's responses to the draft report's findings. Accompanying the final report will be the evaluating team's recommendation for recognition status.

c) Review and Appeal. The ICCB may place a district on a recognition interrupted status for failure to meet ICCB standards after being assigned a status of recognition continued-with conditions and receiving a follow-up evaluation visit if the district has not resolved the conditions within the stated time allowed. Any district whose recognition is interrupted may file a written request with the ICCB for a hearing on the decision in accordance with Section 1501.110. Pending the hearing and decision, any consequences of recognition interrupted will be suspended.

d) Recognition Standards. The recognition standards by which a district will be evaluated for recognition purposes will be the applicable statutes within the Public Community College Act and applicable ICCB rules.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to the ICCB in accordance with ICCB requirements and on forms provided by the ICCB, where applicable.

Listed below is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

January 1	-	construction project status reports (see Section 1501.607(a))
January 31	-	certificate of tax levy (see Section 1501.510(ie))
	-	fall fiscal year-to-date <u>unaudited uniform financial reporting system data</u> (see Section 1501.510(h))
February 15	-	spring semester enrollment survey (see Section 1501.406(a))

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- May 30 occupational follow-up study data for specified curricula (FS) (see Section 1501.406(c))
- July 1 annual noncredit course enrollment survey
- July 31 Spring fiscal year-to-date unaudited uniform financial reporting system data (see Section 1501.510(a))
- August 1 workforce preparation grant report (see Section 1501.509(f))
- advanced technology equipment grant report (see Section 1501.515(d))
- Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(ab))
- program review report (see Section 1501.303(d))
- program review listing (see Section 1501.303(d))
- credit hour certification, final report (see Section 2-16 of the Public Community College Act)
- annual student enrollment and completion data (see Section 1501.406(a))
- special initiative grants report (see Section 1501.519(d))
- application for recognition for specified colleges (see Section 1501.202(d))
- underrepresented groups report/special populations grant report (see Sections 1501.406(d) and 1501.508(d))
- unit cost data (see Section 1501.510(cb))
- confirmation of ICCB grants and District credit hours by the external auditor (see Section 1501.503(b))
- September 30 summer fiscal year-to-date unaudited uniform financial reporting system data (see Section 1501.510(d))
- October 1 budget survey (see Section 1501.501(ee))
- fall enrollment survey (see Section 1501.406(b))
- fall enrollment data (see Section 1501.406(a))
- external audit (see Section 1501.503(a))

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- special populations grant audit (see Section 1501.503(a))
 - workforce preparation grant audit (see Section 1501.503(a))
 - advanced technology equipment grant audit (see Section 1501.503(a))
 - fiscal year budget (see Section 1501.504)
 - certificate of chargeback (see Section 1501.503(a))
 - unexpended special populations grant funds (see Section 1501.508(f))
 - unexpended workforce preparation grant funds (see Section 1501.509(h))
 - annual fiscal year audited uniform financial reporting system data (see Section 1501.510(f))
 - faculty, staff and salary data (see Section 1501.308(a))
 - November 1 audit/unit cost reconciliation statement (see Section 1501.510(gd))
 - November-15 faculty-staff-and-salary-data-(see--Section 1501-308(a))
 - December 1 annual financial statements and notice of publication (see Section 1501.506)
 - 30 days after the end of each term - course resource data and credit hour claims (see Section 1501.606(b) and Section 1501.507(a))
 - 60 days after the end of the fall term - inventory of facilities (see Section 1501.606(c))
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- SUBPART C: PROGRAMS
- Section 1501.308 Reporting Requirements**
- Each college shall submit the following specified items in a format prescribed by the ICCB and according to the schedules indicated: Annual salary data and basic characteristics, including but not limited to sex, date of birth, ethnic classification, highest degree earned, tenure status, and employment or teaching areas, of the faculty and staff employed by the college as of October 1 shall be submitted on or before October November 15 of each year.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)

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SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The advanced technology equipment grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade curricula impacted by technological changes. (See Section 2-16 of the Act.)

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts:

an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business Assistance Centers and Workforce Preparation Offices. Business assistance centers and workforce preparation offices are entities at community colleges that conduct, coordinate, and assist with workforce preparation activities.

Capital Renewal Grants. Capital renewal grants are state grants allocated proportionally to each community college district based on the latest fall on-campus nonresidential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements such as rehabilitation, remodeling, improvement, and repair; architect/engineer services; supplies, fixed equipment, and materials; and all other expenses required to complete the work.

Deferred Maintenance Grants. Deferred maintenance grants are State grants allocated to each community college district based on total nonresidential gross square feet of facilities completed or under

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construction and/or other measures as certified by the ICCB. Such grants are to be utilized for miscellaneous noncapital deferred maintenance improvements such as minor rehabilitation, remodeling, improvement, and repair; supplies, equipment, and materials; and all other expenses required to complete the work.

Lincoln's Challenge Scholarship Grants." The Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs. Upon successful completion of that program, student's qualify for a scholarship to a community college. The Lincoln's Challenge Scholarship Grant is a special appropriation received by the ICCB from the Governor and the General Assembly. These scholarships provide an opportunity for graduates of Lincoln's Challenge to transition easily into higher education by attending one of the 49 public community colleges in the State. The scholarship grants can be used to cover the cost of education that includes tuition, books, fees and required educational supplies.

Residency - Applicability-Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the general provisions, special state provisions, and district provisions of this subsection. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency - General provisions. The following provisions apply both to state and district residency definitions:

To be classified as a resident of the State of Illinois or of the community college district, each student shall have occupied a dwelling within the state or district for at least 30 days immediately prior to the date established by the district for classes to begin.

The district shall maintain documentation verifying state or district residency of students.

Students occupying a dwelling in the state or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the state or district and who obtain residence in the state or district for reasons other than

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attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Residency - District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of state or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; and

students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency - Special State Provisions. Students shall be classified as residents of the state without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of state correctional/rehabilitation institutions located in Illinois; or

employed full time in Illinois.

Special Initiatives Grants. Special initiatives grants provide funds for conducting special initiatives activities.

Special Initiatives Activities. Special initiatives activities are based upon criteria as specified in the special initiatives contract which is executed each year with each district. As special initiatives change, the scope of activities specified in the contracts will also change.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including

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tutoring, educational and career counseling, referrals to external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Courses (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the nonspecial populations student. This may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges.

Technology Enhancement Grants. Technology enhancement grants provide State funds for technology infrastructure improvement. Grants shall be distributed to community colleges based upon midterm semester or equivalent credit hours and/or other measures as determined by the State Board.

Workforce Preparation Activities. Workforce preparation activities create or retain jobs and increase employment opportunities.

Workforce Preparation Grants. Workforce preparation grants provide funds for conducting workforce preparation activities.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: FINANCE

Section 1501.510 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Fiscal year-to-date unaudited uniform financial reporting system data by July 31 for the period July 1 - June 30 of the previous fiscal year.
- ba) Resource allocation and management plan (RAMP) data by August 1 of each year.
- cb) Unit cost data for the previous fiscal year by September 15 following the end of that fiscal year.

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- d) Fiscal year-to-date unaudited uniform financial reporting system data by September 30 for the period July 1 - August 31.
- ee) A survey of local budget and tax extensions and collections by October 1 of each year.
- f) Annual fiscal year audited uniform financial reporting system data by October 15 following the end of the previous fiscal year.
- gd) An Audit/Unit Cost Reconciliation Statement by November 1 of each year.
- h) Fiscal year-to-date unaudited uniform financial reporting system data by January 31 for the period July 1 - December 31.
- ie) Certificate of Tax Levy by January 31 of each year.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1501.522 Deferred Maintenance Grants

- a) Deferred maintenance grants shall be allocated to each qualifying Illinois public community college district in accordance with Section 2-16.02 of the Act.
- b) Expenditures of funds from this grant are limited to deferred maintenance grant activities as defined in Section 1501.501 of this Part. No more than 30 percent of each district's grant allocation shall be used for custodial/maintenance staff salaries and benefits.
- c) Funds received from this grant shall be accounted for in a separate set of self-balancing accounts in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).
- d) Deferred maintenance grant funds shall be expended or obligated by June 30 of the year for which they were awarded. Goods and services for which funds have been obligated shall be received and paid for by September 30 following the end of the fiscal year for which the fund were awarded. Unexpended funds totaling \$100 or more shall be returned to the ICCB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the ICCB provided the funds are spent in the next fiscal year and for the restricted grant purpose.

- e) Deferred maintenance grant funds not used in accordance with this Section regardless of the amount shall be returned to the ICCB within 6 months after receipt of the external audit report by the ICCB or other identification of improper expenditures subsequently verified by the ICCB.

(Source: Added at 21 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedures for Collection of Air Pollution Site Fees
- 2) Code Citation: 35 Ill. Adm. Code 251
- 3) Section Numbers:
 251.101 Amended
 251.103 Amended
 251.201 Amended
 251.203 Amended
 251.208 Amended
 251.301 Amended
 251.310 Amended
Proposed Action:
- 4) Statutory Authority: 415 ILCS 5/9.6
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking amends the Agency procedures for the collection of air pollution site fees. The amendments are necessary to keep the rules up to date with amendments to the site fee provisions in Section 9.6 of the Environmental Protection Act (Act) [415 ILCS 5/9.6]. The Act was amended in 1993 to increase the amount of fees paid by permitted air pollution sources in Illinois based on permitted emission levels. The proposed rulemaking only applies to sources not subject to Section 39.5 of the Act [415 ILCS 5/39.5].
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
 No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules and amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A public hearing on the proposed amendments to the rules is scheduled for August 27, 1997, at 10:00 A.M., in the offices of the Illinois Environmental Protection Agency, the Mississippi Room, 1001 North Grand Avenue, East, Springfield, Illinois. Questions or written comments concerning this rulemaking should reference EPA #243-96 and be sent to:

John Williams
 Agency Hearing Officer

ENVIRONMENTAL PROTECTION AGENCY

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Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

Bonnie Sawyer, Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19506
Springfield, IL 62794-9506

- 12) Initial Regulatory Flexibility Analysis: These revisions are proposed in order to update Agency regulations to be consistent with statutory requirements that have been in effect since July 1, 1993. Consequently, a Regulatory Flexibility Analysis is not applicable.

A) Types of small businesses affected: Those that carry an air pollution operating permit except sites permitted pursuant to Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5] and sites used solely as retail liquid dispensing facilities with air pollution control equipment.

B) Reporting, bookkeeping or other procedures required for compliance:
N/A

C) Types of professional skills necessary for compliance: N/A

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agenda because:

The full text of the Proposed Rulemaking begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 251

PROCEDURES FOR COLLECTION OF AIR POLLUTION SITE FEES

SUBPART A: INTRODUCTION

Section
251.101 Purpose
251.103 Definitions

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION OF AIR POLLUTION SITE FEES

Section
251.201 Amount of Air Pollution Site Fee
251.202 Withdrawal of Permits
251.203 Agency Billing Procedures
251.208 Time and Method of Payment
251.210 Form of Payment
251.212 Return of Site Fee (Repealed)
251.215 Prohibition Against Refund

SUBPART C: RESOLUTION OF DISPUTES

Section
251.301 Request for Reconsideration
251.305 Effect of Request for Reconsideration
251.308 Agency Response
251.310 Appeal of Final Agency Action

AUTHORITY: Implementing Section 5 and authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/5 and 9.6].

SOURCE: Adopted at 10 Ill. Reg. 19968, effective November 14, 1986; emergency amendments at 13 Ill. Reg. 955, effective January 1, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 8867, effective May 30, 1989; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 251.101 Purpose

The purpose of this Part is to establish a system for determination and for collection of air pollution site fees, except as provided in Section 39.5 of the Act.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 251.103 Definitions

"Act": the Environmental Protection Act [415 ILCS 5] (111 Rev. Stat. 1987, ch. 111-1/27, pars. 1001 et seq.).

"Agency": The Environmental Protection Agency established by the Environmental Protection Act.

"Annual": Of the period of one year commencing on the original billing date of a particular air pollution site fee.

"Annual Fee": The air pollution site fee prescribed by Section 9.6 of the Act and collected by the Agency pursuant to this Part.

"Permitted to Emit": The sum of allowable emissions of regulated pollutants at a site from all emission sources which have received an operating permit from the Agency's Bureau of Air Division of Air Pollution Control.

"Regulated Air Pollutant": Any contaminant which is emitted to the atmosphere and which is regulated under the Act or the regulations of the Illinois Pollution Control Board and receives an air pollution operating permit after January 1, 1986.

"Site": Any location, place, tract of land, and facilities, including but not limited to, buildings and improvements used for purposes subject to regulation or control by the Environmental Protection Act or regulations thereunder.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART B: PROCEDURES FOR BILLING AND COLLECTION
OF AIR POLLUTION SITE FEES

Section 251.201 Amount of Air Pollution Site Fee

a) Except as provided in Section 39.5 of the Act, an annual air pollution site fee shall be paid by the owner or operator of an air pollution site, in accordance with the requirements of this Part, in the amounts set forth below:

- 1) For any site for which an air pollution operating permit was issued, renewed or revised after December 31, 1980, the annual fee shall be \$600 if the site is permitted to emit less than 25 tons or more per year of any combination of regulated air

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NOTICE OF PROPOSED AMENDMENT

pollutants, or \$100 if the annual site fee shall be \$100 is permitted to emit less than 25 tons per year.

- 2) For any site for which a fee is not required under subsection (1) above, but for which an air pollution operating permit has been issued, renewed or revised after January 1, 1986, the annual fee shall be \$500 if the site is permitted to emit at least 25 tons or more per year but less than 100 tons per year of any combination of regulated air pollutants, or \$75 if the annual site fee shall be \$1,000 is permitted to emit less than 25 tons per year.

- 3) For any site permitted to emit at least 100 tons per year but not more than 185 tons per year of any combination of regulated air pollutants, the annual site fee shall be \$13.50 per ton.

- 4) For any site permitted to emit more than 185 tons per year of any combination of regulated air pollutants, the annual site fee shall be \$2,500.

- 5) 3) The provisions of this Section shall not apply to a site permitted solely as a retail liquid dispensing facility that has air pollution control equipment.

- b) The Agency shall annually assess the amount of the air pollution site fee due based upon its records of permitted sites and allowable emissions from those sites.

- c) It shall be the obligation of the owner or operator to notify the Agency's Bureau of Air Division of Air Pollution Control, in writing, of the cessation of or reduction in the operation at the site and to request revision or withdrawal of all appropriate operating permits. Notification and requests shall be sent to:

Illinois Environmental Protection Agency
Bureau of Air Division of Air Pollution Control, Permit Section
Attention: Records Unit 2280 Church Hill Road
P.O. Box 19506 19276
Springfield, IL 62794-9506 9276

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 251.203 Agency Billing Procedures

- a) The amount of the air pollution site fee and the due date of payment shall be included on a billing statement sent attached to the first operating permit issued or renewed after January 1, 1986, to the owner or operator of a site by the Agency's Bureau of Air Division of Air Pollution Control.

- b) For each year subsequent to the year of issuance as described in subsection (a), the amount of the air pollution site fee and the due date of payment shall be included on a billing statement addressed to the owner or operator of a site and mailed by the Agency at least 30 days prior to the due date of payment.

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- c) In the event of an increased assessment in fees, the Agency shall notify the owner or operator of a site of such increase with the annual billing.
- d) If the owner or operator of a site has elected to use the advance payment method described in Section 251.208(a)(2), the annual billing statement shall include notification of increased assessment in fees, the status of the fee account, and a statement of any additional fees due to the Agency from the owner or operator of the site.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 251.208 Time and Method of Payment

- a) The owner or operator of a site shall make payment to the Agency by either of the following methods:

- 1) Payment shall be made annually in the amount described in Section 251.201; or
- 2) Payment may be made in advance in the amount described in Section 251.201 multiplied by the number of years for which the first operating permit after January 1, 1967 has been issued to the owner or operator of a site by the Agency's Bureau of Air Division--of-Air-Pollution-Control or multiplied by the number of years remaining on the longest-term valid operating permit issued to the owner or operator of a site.

- b) The due date of payment for each year shall be on the date 45 thirty days subsequent to the original billing date.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: RESOLUTION OF DISPUTES

Section 251.301 Request for Reconsideration

- a) The owner or operator of a site shall request reconsideration of the amount of the air pollution site fee as determined by the Agency pursuant to Sections 251.201(a)(1) and (2) within 30 days of issuance of a billing statement. Failure to request reconsideration within this period shall constitute waiver of all rights to seek reconsideration of the amount from the Agency and will result in waiver of right to appeal pursuant to Section 251.310.
- b) All requests for reconsideration shall be in writing and shall include all pertinent facts and arguments in support of the request. Such requests shall be addressed to:

Illinois Environmental Protection Agency
Bureau of Air Division--of-Air-Pollution-Control, Permit Section
Attention: Records Unit 2300-Church--Read

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

P. O. Box 19506 19276
Springfield, IL 62794-9506 9276

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 251.310 Appeal of Final Agency Action

The owner or operator of a site may appeal the Agency's determination of the air pollution site fee pursuant to the Administrative Review Law [735 ILCS 5/Art. III] (111-Rev-Stat-19057-ch-110-par-3-101).

DEPARTMENT OF INSURANCE

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1) Heading of the Part: Preferred Provider Program Administrators

2) Code Citation: 50 Ill. Adm. Code 2051

3) Section Numbers:

2051.20	<u>Proposed Action:</u>
2051.30	Amendment
2051.50	Amendment
2051.55	New Section
2051.60	Amendment
2051.65	New Section
2051.85	New Section

4) Statutory Authority: Implementing and authorized by Article XX 1/2 and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXI/2 and 401].

5) A Complete Description of the Subjects and Issues Involved: These amendments will clarify existing provisions by adding numerous definitions, changing the due date of renewals from March 1st to January 1st, and increasing the application fee to \$250 and renewal fee to \$150. These amendments will also add three new Sections to Part 2051. The new Sections outline specific application filing requirements, will add specific language for provider contracts, payor contracts, credentialing standards, accessibility and availability standards, advertising and solicitation standards and finally will add Section 2051.65 to provide authority for the gatekeeper option.

6) Will this proposed amendment replace emergency rule currently in effect?
No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment will not necessitate that a local government establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout

Mary Meyer

DEPARTMENT OF INSURANCE

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Assistant Chief Counsel	Paralegal
Department of Insurance	Department of Insurance
320 West Washington	(or) 320 West Washington
Springfield, IL 62767	Springfield, IL 62767
217-782-2867	217-785-8220

12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not impact small businesses.

13) Regulatory Agenda on which this amendment was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE
 PART 2051
 PREFERRED PROVIDER PROGRAM ADMINISTRATORS

Section	Purpose
2051.10 Authority	
2051.20 Purpose	
2051.30 Definitions	
2051.40 Administrators Not to Assume Underwriting Risk	
2051.50 Registration	
2051.55 Procedure for Filing of Preferred Provider Arrangements	
2051.60 Fees Annual-Registration-Fee	
2051.65 Gatekeeper Option	
2051.70 Fiduciary and Bonding Requirements	
2051.80 Maintenance of Records	
2051.85 Advertising and Solicitation	
2051.90 Examination	
2051.100 Severability	

AUTHORITY: Implementing and authorized by Article XX 1/2 and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XX 1/2 et seq. and 401].

SOURCE: Adopted at 20 Ill. Reg. 9960, effective July 15, 1996; expedited correction at 20 Ill. Reg. 13435, effective July 15, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 2051.20 Purpose

The purpose of this Part is to implement Article XX 1/2 of the Illinois Insurance Code which, in part, provides for the regulation of administrators of preferred provider programs. This Part defines the authority of an administrator to operate preferred provider programs in this State, establishes criteria for the registration of administrators with the Director of Insurance and establishes appropriate fees for the registration and regulation of such programs an-annual-registration-fee. This Part applies only to administrators of preferred provider programs subject to Article XX 1/2 of the Illinois Insurance Code.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2051.30 Definitions

"Administrator" means any person, partnership or corporation, other

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than an insurer or health service corporation or health maintenance organization holding a certificate of authority under the "Health Maintenance Organization Act" [215 ILCS 125/1-1 et-seq.] or self-insured employer, employee benefit trust fund or other ERISA exempt organization, that arranges, contracts with, or administers contracts with a provider whereby beneficiaries are provided an incentive to use the services of such provider.

An affiliate of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the persons specified.

"Beneficiary" means an individual entitled to reimbursement for covered expenses of, or the discounting of provider fees for, health care services under a program where the beneficiary has an incentive to utilize the services of a provider which has entered into an agreement or arrangement with an administrator pursuant to Section 370.1(f) of the Illinois Insurance Code [215 ILCS 5/370g(f)].

Control (including the terms "controlling", "controlled by" and "under Common Control With") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of policies of person, whether through the ownership of voting securities, the holding of policyholders' proxies by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is solely the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds shareholders' proxies representing 10% or more of the voting securities of any other person, or holds or controls sufficient policyholders' proxies to elect the majority of the board of directors of the domestic company. Since these amendments do not address the "manner" in which the Director may resolve an issue regarding "control" does that mean the DOI will wait until the occasion arises before will determine the process/procedures for resolution?

Director means the Director of the Illinois Department of Insurance".

Emergency means an accidental bodily injury or emergency medical condition that reasonably requires the beneficiary or insured to seek immediate medical care under circumstances, or at locations which reasonably preclude the beneficiary or insured from obtaining needed medical care from a preferred provider pursuant to Section 5/307g(h) of the Illinois Insurance Code [215 ILCS 5/370g(h)].

"Financial Institution" means a Federal of State chartered bank(s) or

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savings and loan institution.

Gatekeeper Option means an option offered by, or through a preferred provider program that requires the beneficiary to preselect a particular primary care physician from among a list of participating primary care physicians, who shall coordinate all of the non-emergency primary, specialty, hospital and other health care services, including referrals to other providers, as a condition for receipt of a higher level of benefits or reimbursement level, or both.

"Health Care Services" means health care services or products rendered or sold by a provider within the scope of the provider's license or legal authorization. The term includes, but is not limited to, hospital, medical, surgical, dental, vision and pharmaceutical services or products.

"Health Service Corporation" means a hospital-service-corporation, medical-service-plan, voluntary health service plan, vision-service plan, and or a dental service plan, or pharmaceutical-service-plan licensed under the applicable Sections of Chapter 215 of the Illinois Compiled Statutes.

Primary Care Physician means a provider who has contracted with a preferred provider program to provide primary care services as defined by the contract and who is a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice or in the practice of internal medicine, pediatrics, gynecology, obstetrics or family practice.

"Provider" means an individual or entity duly licensed or legally authorized to provide health care services.

"Preferred Provider" means any provider who has entered into an agreement with an administrator relating to health care services which may be rendered to beneficiaries under a preferred provider program.

"Preferred Provider Arrangements" means policies, agreements or arrangements with providers relating to the amounts to be charged to insureds--or beneficiaries for health care services which can include incentives for the insureds-or beneficiary to use such services.

"Preferred Provider Program" means a system to make preferred provider arrangements available to insured-or beneficiaries.

Woman's Principal Health Care Provider means a physician licensed to practice medicine in all its branches specializing in obstetrics or gynecology.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2051.50 Registration

a) No person, partnership or corporation shall act as an administrator of a preferred provider program until such time that such person, partnership or corporation has registered with the Director of Insurance as required by this Part. In addition, all administrators shall annually register with the Director of Insurance as required by this Part. Annual registration statements must be filed with the Director no later than January March 1st of each year.

b) Each administrator must keep current the information required to be disclosed in its registration statements by reporting all material changes or additions to the Director of Insurance within 30 days after the end of the month of each change or addition. A material change or addition includes any modification of the information required by Section 2051.60 of this Part that has significant effect on the operation of the administrator or on the availability and accessibility of health care is--any--modification--of--the--following information--in--the--registration--statement--excluding--typographical corrections--changes--in--the--personnel--responsible--for--the--conduct--of the--affairs--of--the--administrator--changes--in--the--terms--and--conditions of--administrative--and--provider--agreements--changes--to--the--preferred provider--program--disclosure--statements--changes--in--bond--or--fiduciary accounts--and--changes--to--the--location--of--the--administrator's--office.

c) Each applicant for registration shall file with the Director of Insurance the following information and documents on form PPA-1 prescribed by the Director:

- 1) A general statement of the services to be offered through the administrator's proposed plan of operations, including the method of marketing the program and the geographic area proposed to be serviced by the program;
- 2) A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator;
- 3) Sample copies of administrative agreements and provider agreements utilized by the administrator, if the terms and conditions in such agreements may vary, the filing of one complete sample agreement together with a description of all variable terms and conditions will satisfy this requirement;
- 4) A roster of preferred providers and a source for the beneficiary to contact regarding changes in such providers;
- 5) A general description of the means by which the administrator assures that the health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries;
- 6) Copies of the preferred provider program disclosure statements

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required-to-be-furnished-to-beneficiaries-by-Section-370m-of--the Illinois-Insurance-Code--and--correlary-advertising-material;
 7) A--description--of--programs--or--utilization--review--and--timely resolution-of-questions--complaints--and--grievances;

8) A--description--of--any--fiduciary--account--established--by--the administrator--including--the--location--and--identification--number of--the--account--established--and--maintained--pursuant--to--Section 370e-of-the-Illinois-Insurance-Code--and--Section--205i-70(f)--of this--Part--and/or--a--bond--in--compliance--with--Section--370e--of--the Illinois-Insurance-Code--and--Section--205i-70(f)--of--this--Part--;--if a--bond--is--submitted--the--administrator--shall--also--furnish--a certification--of--the--total--estimated--annual--reimbursements--under the--preferred--provider--program(s)--supported--by--the--methodology used--to--arrive--at--such--figure--and

9) Location--of--the--administrative--offices--of--the--administrator located--in--this--State--and--regular--business--hours--during--which offices--are--open;

c)d) No Administrator shall offer any preferred provider program to residents of this State until the Director has determined that the requirements of Article XX 1/2 of the Illinois Insurance Code [215 ILCS 5/Art. XX 1/2] and this Part have been met, and has placed such registration material on file. The Director shall make such determination within 60 days after receipt of the registration information required by this Section and the registration fee required by Section 205i.90 205i-60 of this Part.

d)e) All information filed with the Director pursuant to this Part regarding the methods and/or amounts of reimbursement of providers and the administrator under the preferred provider program(s) is deemed to be confidential and will not be released without subpoena or written consent of to the affected administrator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 205l.55 Procedure for Filing of Preferred Provider Arrangements

Each applicant for registration shall file with the Director the following information and documents on a form PPA-1 prescribed by the Director:

- a) An organizational chart describing the relationship between the administrator, its parent organization and any affiliates, including the state of domicile and the primary business of each entity; and
- b) A list of the names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the administrator; and
- c) Sample copies of administrative agreements, payor agreements and provider agreements utilized by the administrator. If the terms and conditions in such agreements include significant substantial or material variations, the filing of one complete sample agreement

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together with a description of all variable terms and conditions will satisfy this requirement.

1) The payor agreements shall contain:

- A) Terms requiring incentives be provided to the insured or beneficiary to utilize services of a provider that has entered into an agreement with the administrator; and
- B) Terms stating whenever an administrator or a participating provider finds it medically necessary to refer a beneficiary to a provider who/that does not have a contractual relationship with the administrator, the administrator or the participating provider shall ensure that the member so referred is not subject to any out-of-pocket liability (except for required copayments, and/or deductibles) that may arise out of such provider's failure to accept administrator reimbursement and applicable copayments and/or deductibles as payment in full for professional services for covered benefits. A beneficiary who willfully chooses to access a non-participating provider for health care services available through the administrator panel of participating providers will be subject to financial penalties as prescribed by the payor.

C) Terms requiring the administrator's name and toll-free "800" telephone number be contained on the beneficiary identification card issued by the payor.

2) The provider agreements shall contain, at a minimum, the following:

- A) A provision identifying the specific covered health care services for which the participating provider will be responsible, or a provision describing the method by which the participating provider will be notified of the particulars of the coverage. Copayments, benefit maximums, limitations and exclusions shall be enumerated of appropriately referenced.
- B) A provision requiring the provider to comply with applicable administrative policies and procedures of the administrator.
- C) A provision requiring the provider to cooperate with and participate in the administrator credentialing and recertification processes.
- D) A provision requiring the provider to participate in and cooperate with the decisions, policies, processes and rules established by the administrator utilization review (utilization management) program including, but not limited to, certification procedures, concurrent and retrospective evaluations, referral procedures, and reporting of clinical encounter data.
- E) A provision requiring the provider to maintain and make medical records available to the administrator for the purpose of determining, on a concurrent or retrospective

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basis, the medical necessity and appropriateness of care provided to administrator beneficiaries, and to make such medical records available to appropriate state and federal authorities and their agents involved in assessing the accessibility and availability of care or investigating member grievances or complaints and to comply with the applicable state and federal laws related to privacy and confidentiality of medical records.

F) A provision requiring a physician provider to be licensed by the state, and to notify the administrator immediately whenever there is a change in licensure or certification status or a change in privileges at any hospital or admitting facility.

G) A provision requiring non-physician health care professional providers to be properly licensed and/or certified by the state, where licensure or certification is required by the state to practice a health care profession.

H) A provision requiring facility providers to be properly licensed by the state.

I) A provision requiring all physician providers to have admitting privileges in at least one hospital with which the administrator has a written provider contract. Reasonable exceptions may be made for physicians who, because of the type of clinical specialty, or location or type of practice, do not customarily have admitting privileges.

J) A provision describing notification procedures for contract termination. Provider contracts shall require no less than 30 days prior written notice by either party who wishes to terminate the contract without cause provided, however, that the administrator may terminate the provider contract for cause immediately. The administrator of a gatekeeper option shall make a good faith effort to provide written notice of termination to all beneficiaries who are patients seen on a regular basis by a provider whose contract is terminating. Where a contract termination involves a primary care physician, in a gatekeeper option, all beneficiaries who are patients of that primary care physician shall also be notified. The provider contract for a gatekeeper option shall contain provisions whereby within five working days of the date that the provider either gives or receives notice of termination, the provider shall supply the administrator with a list of those patients of the provider that are covered by a plan using the administrator's network.

K) A provision explaining the provider responsibilities for continuation of covered services in the event of contract termination, to the extent that an extension of benefits is required by law or regulation, or that such continuation is voluntarily provided by the administrator.

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L) A provision stating that the rights and responsibilities under the contract cannot be assigned or delegated by the provider without the prior written consent of the administrator.

M) A provision stating that the participating provider has and will maintain adequate professional liability and malpractice coverage, through insurance, self funding, or other means satisfactory to the administrator. The administrator must be notified within no less than ten days of the provider's receipt of notice of any reduction or cancellation of such coverage.

N) A provision stating that the provider will provide health care services without discrimination against any beneficiary on the basis of participation in the administrator, source of payment, age, sex, ethnicity, religion, sexual preference, health status or disability.

O) A provision regarding the participating provider's obligation, if any, to collect applicable copayments, and/or deductibles from beneficiaries pursuant to the evidence of coverage, and to provide notice to members of their personal financial obligations for non-covered services.

P) A provision regarding any obligation to provide covered health services on a 24-hour per day, 7 day per week basis.

Q) A provision identifying the mechanism for provider access to each payor's current eligibility data system.

R) A provision clearly describing payment obligations to the provider.

S) A provision identifying the administrative services, if any, the administrator will perform and the types of information (financial, enrollment, utilization, improvement) that will be submitted to the provider as well as other information that is accessible to the provider.

T) A provision obligating the administrator to provide a method for providers to access each payor to obtain initial information and adequate notice of change in benefits and copayments, and a provision obligating the administrator to provide all of the administrator's operational policies.

U) A provision identifying applicable internal appeal or arbitration procedures for settling contractual disputes or disagreements between the administrator and participating provider; and

d) A general statement of the services to be offered through the administrator's proposed plan of operations, including:

1) The method of marketing the program;

2) A geographic map of the area proposed to be served by the program by both county and zip code, including marked locations of medical providers;

3) The names and addresses of the providers with whom the preferred

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- e) Provider plan has entered into agreements:
- 4) The number of beneficiaries covered by the agreements listed in subsection (d)(3) of this Section;
 - 5) A source for the beneficiary to contact regarding changes in such providers; and
- e) A description of the standards by which the administrator assures that the health care services to be rendered under the preferred provider program are reasonably accessible and available to beneficiaries. Standards shall address such issues as:
- i) The scope of health care services to be provided by the administrator network.
 - 2) The number and type of providers necessary to:
 - A) Meet the health care needs and service demands of the currently enrolled population, including:
 - i) Provider-beneficiaries ratio by specialty.
 - ii) Primary care provider-beneficiaries ratio.
 - iii) Waiting times for appointments with participating providers.
 - iv) Hours of operation.
 - v) Volume of technological and specialty services available to serve the needs of beneficiaries requiring technologically advanced or specialty care.
 - B) Meet the health care needs and service demands of the population expected to be enrolled over the next 12 months, including:
 - i) Provider-beneficiaries ratio by specialty.
 - ii) Primary care provider-beneficiaries ratio.
 - iii) Waiting times for appointments with participating providers.
 - iv) Hours of operation.
 - v) Volume of technological and specialty services available to serve the needs of beneficiaries requiring technologically advanced or specialty care.
 - 3) The location of providers within the service area necessary to accommodate the enrolled population.
 - 4) The distance or time that the beneficiary must travel to access:
 - A) Hospital services including 24 hour emergency department services;
 - B) Primary care and Woman's Principal Health Care physician services;
 - C) Specialty care physician services.
 - 5) The addition of providers to meet patient needs based on increases in the number of beneficiaries, changes in the patient to provider ratio, changes in medical and health care capabilities, and increased demand for services.
 - 6) The provision of 24 hour, seven day per week access to network affiliated primary care and woman's principal health care provider.

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- 7) The procedures for making referrals within and outside the network.
- 8) The process for enabling beneficiaries to select and change primary care physicians and to select and change woman's principal health care providers (Gatekeeper Option).
- 9) Efforts to address the needs of beneficiaries with limited English proficiency and illiteracy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities.
- 10) Appropriate policies and procedures to assure access to covered services when:
 - A) The covered service is not available from a network provider; in any case whereby a beneficiary has made a good faith effort to utilize network providers for a covered service and it is determined the administrator does not have the appropriate participating providers due to insufficient number, type or distance, the administrator shall ensure by terms contained in the payor contract, that the beneficiary will be provided the covered service at no greater cost than if the service had been provided by a participating provider;
 - B) The beneficiary has a medical emergency within the network service area;
 - C) The beneficiary has a medical emergency outside the network's service area; and
- f) Copies of the preferred provider program disclosure statements required to be furnished to beneficiaries by Section 370m of the Illinois Insurance Code, [215 ILCS 5/370m] and corollary advertising material; and
- g) A description of programs for utilization review and for timely investigation of, and procedures for, resolution of questions, complaints and grievances including, but not limited to:
 - 1) Procedures for reviewing decisions including time-frames for making initial determinations, concurrent determinations and retrospective determinations;
 - 2) Procedures for appealing adverse determinations including expedited appeal procedures where the time-frame of the standard review procedures would seriously jeopardize the life or health of a beneficiary or would jeopardize the beneficiaries' ability to regain maximum function;
 - 3) Procedures for maintaining confidentiality of records used in making determinations; and
- h) A description of any fiduciary account established by the administrator, including the location and identification number of the account, established and maintained pursuant to Section 370e of the Illinois Insurance Code [215 ILCS 5/370e] and Section 2051.70(a) of this Part; and/or a bond in compliance with Section 370e of the Illinois Insurance Code [215 ILCS 5/370e] and Section 2051.70(b) of this Part. If a bond is submitted the administrator shall also

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NOTICE OF PROPOSED AMENDMENTS

furnish a certification of the total estimated annual reimbursements under the preferred provider program(s), supported by the methodology used to arrive at such figure; and

- i) Location of the administrative offices of the administrator located in this State and regular business hours during which offices are open; and

- ii) Credentialing materials including, but not limited to:

- 1) Written policies and procedures for credentialing verification of all health care professionals with whom the administrator contracts and apply these standards consistently;
- 2) Written policies and procedures for determining when the network is closed to new providers desiring to enter the network;
- 3) Written policies and procedures for adding providers to closed network when openings become available due to attrition or expansion; and

- k) Such other information as the Director may reasonably request.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2051.60 Fees Annual-Registration-Fee

On or after January 1, 1998, each administrator doing business in this State shall pay to the Director of Insurance a registration fee of \$250 annually \$100.00--on--the--initial--date--of--application--for--registration--and annually thereafter on or before January 1st March-1st of each succeeding year each administrator doing business in this State shall pay to the Director a renewal fee of \$150 in order to maintain such registration so--long--as--such registration-is-maintained--administrator.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 2051.65 Gatekeeper Option

An insurer or administrator, otherwise meeting the standards of this Part, may make available a gatekeeper option as an incentive to utilize the services of a preferred provider. Such products must meet applicable accessibility and availability of care standards as set forth in Section 2051.55(e) of this Part and comply with requirements of Section 5/356r of the Illinois Insurance Code [215 ILCS 5/356r].

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 2051.85 Advertising and Solicitation

- a) No preferred provider administrator or its representative shall cause,

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

or knowingly permit the use of advertising that is untrue or misleading, or any solicitation that is untrue or misleading.

- b) No preferred provider administrator may represent or describe itself in its name, contracts or literature as a "health maintenance organization", "HMO", nor may it hold itself out or represent itself as being an insurance company or a Limited Health Service Corporation.

(Source: Added at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Proposed Action:
304.222 Amended
- 4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act (415 ILCS 5/13, 11(b) and 27)

5) A Complete Description of the Subjects and Issues Involved: A more detailed description is contained in the Board's Proposed Opinion of June 19, 1997 in R97-25, which is available from the Board at the address specified in question #11 below. This rule was proposed by the Illinois Environmental Protection Agency (IEPA) as a federally required rule pursuant to Section 28.2 of the Environmental Protection Act [415 ILCS 5/28.2]. These amendments propose to modify the Water Quality Standards specific to the Lake Michigan Basin to be as protective as the final water quality guidance for the Great Lakes System published by the United States Environmental Protection Agency on March 23, 1995 at 60 Fed. Reg. 15366. The proposed regulations amend the antidegradation provisions, provide for a phase-out of mixing allowances for certain compounds that bioconcentrate in organisms, promote pollution prevention practices, and establish numerical water quality standards and procedures for the derivation of criteria. Following a public hearing held on May 19, 1997, the Board made some clarifying changes to the proposal submitted by the IEPA which are reflected in this first notice proposal

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-25 and be addressed to:

Dorothy M. Gunn, Clerk
James R. Thompson Center

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601 ttf14 312/814-4295

Questions may be directed to Marie E. Tipsord at the Illinois Pollution Control Board. The Board will also accept oral public testimony at a hearing scheduled for July 28, 1997 at the CONFERENCE ROOM, WAUKEGAN PORT DISTRICT, 555 S. HARBOR PLACE, WAUKEGAN, ILLINOIS. Contact the hearing officer, Marie Tipsord for further details concerning prefiling of testimony.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Small businesses which are dischargers into the Lake Michigan Basin or use the Lake Michigan Waters.
- B) Reporting, bookkeeping or other procedures required for compliance: This amendment will not change the current compliance procedures.
- C) Types of professional skills necessary for compliance: The same professional skills as are currently necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND

EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	UNO-VEN Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

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304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

APPENDIX A

References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

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31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 21 Ill. Reg. _____, effective _____.

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section 304.222 Intermittent Discharge of TRC

The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 and 302.504(a) by operation of Section 304.105 shall not apply to any discharge which contains TRC solely as the result of intermittent usage for antifouling purposes related to the operation of condensers and cooling systems. For the purposes of this Section usage of chlorine or related substances measurable as TRC shall be deemed to be intermittent if usage is restricted to a maximum of two hours per day per condenser or cooling system unit. Discharge concentration of TRC averaged or composited over the discharge period shall not exceed 0.2 mg/l nor shall the TRC concentration exceed 0.5 mg/l at any time.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 302

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.101	Amended
302.105	Amended
302.501	Amended
302.502	Amended
302.503	Amended
302.504	Amended
302.505	Amended
302.507	Amended
302.508	Amended
302.510	New Section
302.515	New Section
302.520	New Section
302.525	New Section
302.530	New Section
302.535	New Section
302.540	New Section
302.545	New Section
302.550	New Section
302.553	New Section
302.555	New Section
302.560	New Section
302.563	New Section
302.565	New Section
302.570	New Section
302.575	New Section
302.580	New Section
302.585	New Section
302.590	New Section
302.595	New Section

4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act (415 ILCS 5/13, 11(b) and 27)

5) A Complete Description of the Subjects and Issues Involved: A more detailed description is contained in the Board's Proposed Opinion of June 19, 1997 in R97-25, which is available from the Board at the address specified in question #11 below. This rule was proposed by the Illinois Environmental Protection Agency (IEPA) as a federally required rule pursuant to Section 28.2 of the Environmental Protection Act (415 ILCS 5/28.2). These amendments propose to modify the Water Quality Standards specific to the Lake Michigan Basin to be as protective as the final water quality guidance for the Great Lakes System published by the United States

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Environmental Protection Agency on March 23, 1995 at 60 Fed. Reg. 15366. The proposed regulations amend the antidegradation provisions, provide for a phase-out of mixing allowances for certain compounds that bioconcentrate in organisms, promote pollution prevention practices, and establish numerical water quality standards and procedures for the derivation of criteria. Following a public hearing held on May 19, 1997, the Board made some clarifying changes to the proposal submitted by the IEPA which are reflected in this first notice proposal.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-25 and be addressed to:

Dorothy M. Gunn, Clerk
James R. Thompson Center
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Questions may be directed to Marie E. Tipsord at the Illinois Pollution Control Board. The Board will also accept oral public testimony at a hearing scheduled for July 28, 1997 at the CONFERENCE ROOM, WAUKEGAN PORT DISTRICT, 555 S. HARBOR PLACE, WAUKEGAN, ILLINOIS. Contact the hearing officer, Marie E. Tipsord for further details concerning prefilng of testimony at 312/814-4925.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Small businesses which are dischargers to Lake Michigan Basin or use the Lake Michigan Waters.
- B) Reporting, bookkeeping or other procedures required for compliance:
This amendment will not change the current compliance procedures.

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- C) Types of professional skills necessary for compliance: The same professional skills as are currently necessary for compliance.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 302

WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	
302.100	Definitions
302.101	Scope and Applicability
302.102	Allowed Mixing, Mixing Zones and ZIDs
302.103	Stream Flows
302.104	Main River Temperatures
302.105	Nondegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	
302.201	Scope and Applicability
302.202	Purpose
302.203	Offensive Conditions
302.204	pH
302.205	Phosphorus
302.206	Dissolved Oxygen
302.207	Radioactivity
302.208	Numeric Standards for Chemical Constituents
302.209	Fecal Coliform
302.210	Other Toxic Substances
302.211	Temperature
302.212	Ammonia Nitrogen and Un-ionized Ammonia
302.213	Effluent Modified Waters (Ammonia)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	
302.301	Scope and Applicability
302.302	Algalcide Permits
302.303	Finished Water Standards
302.304	Chemical Constituents
302.305	Other Contaminants
302.306	Fecal Coliform

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section	
302.401	Scope and Applicability

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302.402	Purpose
302.403	Unnatural Sludge
302.404	pH
302.405	Dissolved Oxygen
302.406	Fecal Coliform (Repealed)
302.407	Chemical Constituents
302.408	Temperature
302.409	Cyanide
302.410	Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section	
302.501	Scope, and Applicability, and Definitions
302.502	Dissolved Oxygen
302.503	pH
302.504	Chemical Constituents
302.505	Fecal Coliform
302.506	Temperature
302.507	Existing Sources on January 1, 1971
302.508	Sources Under Construction But Not in Operation on January 1, 1971
302.509	Other Sources
302.510	Incorporations by Reference
302.515	Offensive Conditions
302.520	Supplemental Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

302.525	Radioactivity
302.530	Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)
302.535	Ammonia Nitrogen
302.540	Other Toxic Substances
302.545	Data Requirements
302.550	Analytical Testing
302.553	Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures
302.555	Determining the Tier I Acute Aquatic Life Toxicity Criterion for the Lake Michigan Basin: Independent of Water Chemistry- (LMAATC)
302.560	Determining the Tier I Lake Michigan Basin Acute Aquatic Toxicity Criterion (LMAATC): Dependent on Water Chemistry
302.563	Determining the Tier II Lake Michigan Basin Acute Aquatic Life Value (LMAATV)
302.565	Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCAATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCAATV)
302.570	Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
302.575	Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife

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- 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health - General
- 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
- 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV)
- 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

- Section
- 302.601 Scope and Applicability
- 302.603 Definitions
- 302.604 Mathematical Abbreviations
- 302.606 Data Requirements
- 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures
- 302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
- 302.618 Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
- 302.621 Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
- 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
- 302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
- 302.633 The Wild and Domestic Animal Protection Criterion
- 302.642 The Human Threshold Criterion
- 302.645 Determining the Acceptable Daily Intake
- 302.648 Determining the Human Threshold Criterion
- 302.651 The Human Nonthreshold Criterion
- 302.654 Determining the Risk Associated Intake
- 302.657 Determining the Human Nonthreshold Criterion
- 302.658 Stream Flow for Application of Human Nonthreshold Criterion
- 302.660 Bioconcentration Factor
- 302.663 Determination of Bioconcentration Factor
- 302.666 Utilizing the Bioconcentration Factor
- 302.669 Listing of Derived Criteria

APPENDIX A References to Previous Rules

APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

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SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended at R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 21 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act, as of July 1, 1994.

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section 302.101 Scope and Applicability

- a) This Part contains schedules of water quality standards which are applicable throughout the State as designated in 35 Ill. Adm. Code 303. Site specific water quality standards are found with the water use designations in 35 Ill. Adm. Code 303.
- b) Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (35 Ill. Adm. Code 303.201).
- c) Subpart C contains the public and food processing water supply standards. These are cumulative with Subpart B and must be met by all designated waters at the point at which is drawn for treatment and distribution as a potable supply or for food processing (35 Ill. Adm. Code 303.202).
- d) Subpart D contains the secondary contact and indigenous aquatic life standards. These standards must be met only by certain waters designated in 35 Ill. Adm. Code 303.204 and 303.441.
- e) Subpart E contains the Lake Michigan Basin water quality standards. These are cumulative with the Subpart-B and E standards and must be met in by the waters of the Lake Michigan Basin and such other waters as may be designated in 35 Ill. Adm. Code 303-(35-iii-Adm-Code 303.443).
- f) Subpart F contains the procedures for determining each of the criteria

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designated in Section 302.210.

- g) Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.105 Nondegradation

Except as otherwise provided in Section 302.520, waters waters whose existing quality is better than the established standards at the date of their adoption will be maintained in their present high quality. Such waters will not be lowered in quality unless and until it is affirmatively demonstrated that such change will not interfere with or become injurious to any appropriate beneficial uses made of, or presently possible in, such waters and that such change is justifiable as a result of necessary economic or social development.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section 302.501 Scope, and Applicability, and Definitions

- a) Subpart E contains the Lake Michigan Basin water quality standards. These ~~are cumulative with the general use and public water supply standards of Subparts B and E--they must be met in the waters of the Lake Michigan Basin and such additional waters as may be designated in 35 Ill. Adm. Code Part 303--(Section 303.443).~~

- b) In addition to the definitions provided at 35 Ill. Adm. Code 301.200 through 301.444, and in place of conflicting definitions at Section 302.100, the following terms have the meanings specified for the Lake Michigan Basin:

"Acceptable daily exposure" or "ADE" means an estimate of the maximum daily dose of a substance that is not expected to result in adverse noncancer effects to the general human population, including sensitive subgroups.

"Acceptable endpoints" for the purpose of wildlife criteria derivation, means acceptable subchronic and chronic endpoints that affect reproductive or developmental success, organismal viability or growth, or any other endpoint that is, or is directly related to, parameters that influence population dynamics.

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"Acute to chronic ratio" or "ACR" is the standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.

"Acute toxicity" means adverse effects that result from an exposure period that is a small portion of the life span of the organism.

"Adverse effect" means any deleterious effect to organisms due to exposure to a substance. This includes effects that are or may become debilitating, harmful or toxic to the normal functions of the organism, but does not include non-harmful effects such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

"Baseline BAF" for organic chemicals, means a BAF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BAF is based on the wet weight of the tissue.

"Baseline BCF" for organic chemicals, means a BCF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BCF that is based on the wet weight of the tissue.

"Bioaccumulative chemical of concern" or "BCC" is any chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor greater than 1,000, after considering metabolism and other physicochemical properties that might enhance or inhibit bioaccumulation, in accordance with the methodology in Section 302.570. In addition, the half life of the chemical in the water column, sediment or biota must be greater than eight weeks. BCCs include, but are not limited to, the following substances:

Chlordane
4,4'-DDD; p,p'-DDD; 4,4'-TDE; p,p'-TDE
4,4'-DDE; p,p'-DDE
4,4'-DDT; p,p'-DDT
Dieldrin
Hexachlorobenzene
Hexachlorobutadiene; Hexachloro-1,3-butadiene
Hexachlorocyclohexanes; BHCs

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alpha-Hexachlorocyclohexane; alpha-BHC
 beta-Hexachlorocyclohexane; beta-BHC
 delta-Hexachlorocyclohexane; delta-BHC
 Lindane; gamma-Hexachlorocyclohexane; gamma-BHC
 Mercury
 Mirex
 Octachlorostyrene
 PCBs; polychlorinated biphenyls
 Pentachlorobenzene
 Photomirex
 2,3,7,8-TCDD; Dioxin
 1,2,3,4-Tetrachlorobenzene
 Toxaphene

"Bioaccumulation" is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

"Bioaccumulation factor" or "BAF" is the ratio (in L/kg) of a substance's concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.

"Bioconcentration Factor" or "BCF" is the ratio (in L/kg) of a substance's concentration in tissue of an aquatic organism to its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not change substantially over time.

"Biota-sediment accumulation factor" or "BSAF" means the ratio (in kg of organic carbon/kg of lipid) of a substance's lipid-normalized concentration in tissue of an aquatic organism to its organic carbon-normalized concentration in surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average surface sediment in the vicinity of the organism.

"Carcinogen" means a substance that causes an increased incidence of benign or malignant neoplasms, or substantially decreases the time to develop neoplasms, in animals or humans. The classification of carcinogens is determined by the procedures in Section II.A of Appendix C to 40 CFR 132 (1996) incorporated by reference in Section 302.510.

"Chronic effect" means an adverse effect that is measured by assessing an acceptable endpoint, and results from continual exposure over several generations, or at least over a significant

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part of the test species' projected life span or life stage.

"Chronic toxicity" means adverse effects that result from an exposure period that is a large portion of the life span of the organism.

"Dissolved organic carbon" or "DOC" means organic carbon which passes through a 1 um pore size filter.

"Dissolved metal" means the concentration of a metal that will pass through a 0.45 um pore size filter.

"Food chain" means the energy stored by plants is passed along through the ecosystem through trophic levels in a series of steps of eating and being eaten also known as a food web.

"Food chain multiplier" or "FCM" means the ratio of a BAF to an appropriate BCF.

"Linearized multi-stage model" means a mathematical model for cancer risk assessment. This model fits linear dose-response curves to low doses. It is consistent with a no-threshold model of carcinogenesis.

"Lowest observed adverse effect level" or "LOAEL" means the lowest tested dose or concentration of a substance that result in an observed adverse effect in exposed test organisms when all higher doses or concentrations result in the same or more severe effects.

"No observed adverse effect level" or "NOAEL" means the highest tested dose or concentration of a substance that results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

"Octanol water partition coefficient" or "Kow" is the ratio of the concentration of a substance in the n-octanol phase to its concentration in the aqueous phase in an equilibrated two-phase octanol water system. For log Kow, the log of the octanol water partition coefficient is a base 10 logarithm.

"Open waters of Lake Michigan" means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn across the mouth of tributaries to Lake Michigan, but not including waters enclosed by constructed breakwaters.

"Particulate organic carbon" or "POC" means organic carbon that is retained by a 1 um pore size filter.

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"Relative Source Contribution" or "RSC" means the percent of total exposure that can be attributed to surface water through water intake and fish consumption.

"Resident or Indigenous Species" means species that currently live a substantial portion of their life cycle, or reproduce, in a given body of water, or that are native species whose historical range includes a given body of water.

"Risk associated dose" or "RAD" means a dose of a known or presumed carcinogenic substance in (mg/kg/day) which, over a lifetime of exposure, is estimated to be associated with a plausible upper bound incremental cancer risk equal to one in 100,000.

"Slope factor" or "q₁₁" is the incremental rate of cancer development calculated through use of a linearized multistage model or other appropriate model. It is expressed in (mg/kg/day) of exposure to the chemical in question.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association.

"Subchronic effect" means an adverse effect, measured by assessing an acceptable endpoint, resulting from continual exposure for a period of time less than that deemed necessary for a chronic test.

"Target species" is a species to be protected by the criterion.

"Target species value" is the criterion value for the target species.

"Test species" is a species that has test data available to derive a criterion.

"Test Dose" or "TD" is an LOAEL or NOAEL for the test species.

"Tier I criteria" are numeric values derived by use of the Tier I methodologies that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria.

"Tier II values" are numeric values derived by use of the Tier II methodologies that are used to implement narrative water quality criteria. They are applied as criteria, have the same effect, and are subject to the same appeal rights as criteria.

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"Trophic level" means a functional classification of taxa within a community that is based on feeding relationships. For example, aquatic green plants and herbivores comprise the first and second trophic levels in a food chain.

"Toxic Unit Acute" or "Tu[a]" is the reciprocal of the effluent concentration that causes 50 percent of the test organisms to die by the end of the acute exposure period which is 48 hours for invertebrates and 96 hours for vertebrates.

"Toxic Unit Chronic" or "Tu[c]" is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period which is at least seven days for *Ceriodaphnia*, fathead minnow and rainbow trout.

"Uncertainty factor" or "UF" is one of several numeric factors used in deriving criteria from experimental data to account for the quality or quantity of the available data.

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.502 Dissolved Oxygen

Dissolved oxygen (STORET number 00300) must shall not be less than 90% of saturation except due to natural causes in the open waters of Lake Michigan as defined at Section 302.501. The other waters of the Lake Michigan Basin must not be less than 6.0mg/L during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.503 pH

pH (STORET number 00400) must shall be within range of 7.0 to 9.0 except for natural causes in the open waters of Lake Michigan as defined at Section 302.501. Other waters of the Basin must be within the range of 6.5 to 9.0 except for natural causes.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.504 Chemical Constituents

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The following levels of chemical constituents must shall not be exceeded except as provided in Sections 302.102 and 302.530:

- a) The following standards must be met in all waters of the Lake Michigan Basin. Acute aquatic life standards (AS) must not be exceeded at any time except for those waters for which the Agency has approved a zone of initial dilution (ZID) pursuant to Section 302.102 and 302.530. Chronic aquatic life standards (CS), and human health standards (HHS) must not be exceeded outside of waters in which mixing is allowed pursuant to Sections 302.102 and 302.530 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the CS, or HHS must be collected in a manner that assures an average representative of the sampling period.

Constituent	STORET Number	Unit	AS	CS	HHS
Arsenic (Trivalent, Dissolved)	22680	ug/L	340	148	NA
Cadmium (dissolved)	01025	ug/L	$\frac{\exp[A] + \text{Bln}(H)]}{A = -3.6867}$ $B = 1.128$	$\frac{\exp[A] + \text{Bln}(H)]}{A = -2.715}$ $B = 0.7852$	NA
Chromium (Hexavalent, Total)	01032	ug/L	16	11	NA
Chromium (Trivalent, dissolved)	80357	ug/L	$\frac{\exp[A] + \text{Bln}(H)]}{A = 3.7256}$ $B = 0.819$	$\frac{\exp[A] + \text{Bln}(H)]}{A = 0.6848}$ $B = 0.819$	NA
Copper (dissolved)	01040	ug/L	$\frac{\exp[A] + \text{Bln}(H)]}{A = -1.700}$ $B = 0.9422$	$\frac{\exp[A] + \text{Bln}(H)]}{A = -1.702}$ $B = 0.8545$	NA
Cyanide (Weak Acid Dissociable)	00718	ug/L	22	5.2	NA
Lead (dissolved)	01049	ug/L	$\frac{\exp[A] + \text{Bln}(H)]}{A = -1.055}$ $B = 1.273$	$\frac{\exp[A] + \text{Bln}(H)]}{A = -4.003}$ $B = 1.273$	NA
Nickel (dissolved)	01065	ug/L	$\frac{\exp[A] + \text{Bln}(H)]}{A = -1.055}$ $B = 1.273$	$\frac{\exp[A] + \text{Bln}(H)]}{A = -4.003}$ $B = 1.273$	NA

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Selenium (dissolved)	01145	ug/L	A = 2.255 B = 0.846	A = 0.0584 B = 0.846	NA
TRC	50060	ug/L	Awaiting new value	5.0	NA
Zinc (dissolved)	01090	ug/L	$\frac{\exp[A] + \text{Bln}(H)]}{A = 0.884}$ $B = 0.8473$	$\frac{\exp[A] + \text{Bln}(H)]}{A = 0.884}$ $B = 0.8473$	NA
Benzene	34030	ug/L	NA	NA	310
Chlorobenzene	34301	mg/L	NA	NA	3.2
2,4-Dimethylphenol	34606	mg/L	NA	NA	8.7
2,4-Dinitrophenol	03756	mg/L	NA	NA	2.8
Endrin	39390	ug/L	0.086	0.036	NA
Hexachloroethane	34396	ug/L	NA	NA	6.7
Methylene chloride	34423	mg/L	NA	NA	2.6
Parathion	39540	ug/L	0.065	0.013	NA
Pentachlorophenol	03761	ug/L	$\frac{\exp[B(\text{pH}) + A]}{A = -4.869}$ $B = 1.005$	$\frac{\exp[B(\text{pH}) + A]}{A = -5.134}$ $B = 1.005$	NA
Toluene	78131	mg/L	NA	NA	51.0
Trichloroethylene	39180	ug/L	NA	NA	370

Where:

NA = Not Applied

Exp(x) = base of natural logarithms raised to the x-power, and

ln(H) = natural logarithm of Hardness (STORET 00900)

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- b) The following water quality standards must not be exceeded at any time in any waters of the Lake Michigan Basin, unless a different standard is specified under subsection (c) of this Section.

Constituent	STORET Number	Unit	Water Quality Standard
Barium (total)	01007	mg/L	5.0
Boron (total)	01022	mg/L	1.0
Chloride (total)	00940	mg/L	500
Fluoride	00951	mg/L	1.4
Iron (dissolved)	01046	mg/L	1.0
Manganese (total)	01055	mg/L	1.0
Phenols	32730	mg/L	0.1
Sulfate	00945	mg/L	500
Total Dissolved Solids	70300	mg/L	1000

- c) In addition to the standards specified in subsections (a) and (b), of this Section the following standards must not be exceeded in any individual sample in the open waters of Lake Michigan as defined in Section 302.501.

Constituent	STORET Number	Unit	Water Quality Standard
Arsenic (total)	01002	ug/L	500
Barium (total)	01007	mg/L	1.0
Chloride	00940	mg/L	12.0
Iron (dissolved)	01046	mg/L	0.30
Lead (total)	01051	ug/L	50.0
Manganese (total)	01055	mg/L	0.15
Nitrate-Nitrogen	00620	mg/L	10.0
Phosphorus	00665	ug/L	7.0
Selenium (total)	01147	ug/L	10.0
Sulfate	00945	mg/L	24.0
Total Dissolved Solids	70300	mg/L	180.0
Benzene	34030	ug/L	12.0
Chlorobenzene	34301	ug/L	470.0
2,4-Dimethylphenol	34606	ug/L	450.0
2,4-Dinitrophenol	03757	ug/L	55.0
Hexachloroethane (total)	34396	ug/L	5.30
Lindane	39782	ug/L	0.47

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Methylene chloride	34423	ug/L	47.0
Oil (hexane solubles or equivalent)	00550, 00556 or 00560	mg/L	0.10
Phenols	32730	ug/L	1.0
Toluene	78131	mg/L	5.60
Trichloroethylene	39180	ug/L	29.0

- d) For the following bioaccumulative chemicals of concern (BCCs), acute aquatic life standards (AS) must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), human health standards (HHS), and wildlife standards (WS), must not be exceeded in any waters of the Lake Michigan Basin by the arithmetic average of at least four consecutive samples collected over a period of at least four days subject to the limitations of Sections 302.520 and 302.530. The samples used to demonstrate compliance with the HHS and WS must be collected in a manner that assures an average representative of the sampling period.

Constituent	STORET Number	Units	AS	CS	HHS	WS
Mercury (total)	71900	ng/L	1,700	910	1.8	1.3
Chlordane	39350	ng/L	NA	NA	0.25	NA
DPT and metabolites	39370	pg/L	NA	NA	150	11.0
Dieldrin	39380	ng/L	240	56	0.0065	NA
Hexachlorobenzene	39700	ng/L	NA	NA	0.45	NA
Lindane	39782	ug/L	0.95	NA	0.5	NA
PCBs (class)	79819	pg/L	NA	NA	6.7	120
2,3,7,8-TCDD	03556	fg/L	NA	NA	8.6	3.1
Toxaphene	39400	pg/L	NA	NA	68	NA

Where:

mg/L = milligrams per liter (10(-3) grams per liter)

ug/L = micrograms per liter (10(-6) grams per liter)

ng/L = nanograms per liter (10(-9) grams per liter)

fg/L = picograms per liter (10(-12) grams per liter)

f/L = femtograms per liter (10(-15) grams per liter)

NA = Not Applied

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CONSTITUENT STORET
 NUMBER CONCENTRATION
 mg/l

Ammonia-Nitrogen 00610 0-82
Chloride 00940 12-0
Sulfate 00945 24-0
Phosphorus-(as-P) 00665 0-007
Total-Solids-(Dissolved) 70300 100-0

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.505 Fecal Coliform

Based on a minimum of five samples taken over not more than a 30-day period, fecal coliform (STORET number 31616) must not exceed a geometric mean of 20 per 100 ml in the open waters of Lake Michigan as defined in Section 302.501. The remaining waters of the Lake Michigan Basin must not exceed a geometric mean of 200 per 100 ml, nor shall more than 10% of the samples during any 30 day period exceed 400 per 100 ml.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.507 Existing Sources on January 1, 1971

a) All sources of heated effluents in existence as of January 1, 1971, shall meet the following restrictions outside of a mixing zone which shall be no greater than a circle with a radius of 305 m (1000 feet) or a equal fixed area of simple form.

a1) There shall be no abnormal temperature changes that may affect aquatic life.

b) The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.

c) The maximum temperature rise at any time above natural temperatures shall not exceed 1.7° (3° F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

	° C	° F	° C	° F
JAN.	7	45	27	80
FEB.	7	45	27	80
MAR.	7	45	27	80
APR.	13	55	18	65
MAY	16	60	16	60
JUN.	21	70	10	50

b) The owner or operator of a source of heated effluent which discharges

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150-megawatts-(0.5-billion-British-Thermal-Units-per-hour)-or-more shall demonstrate-in-a-heating-before-this-Board-not-less-than-5-nor more-than-six-years-after-the-adoption-of-this-regulation--that discharges--from--that-source-have-not-caused-and-cannot-be-reasonably expected-in-future-to-cause-significant-ecological-damage-to-the-lake. If--such--proof-is-not-made--to--the-satisfaction-of--the--Board--backfitting-of--alternative--cooling--devices--shall--be--accomplished within-a-reasonable-time-as-determined-by-the-Board.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.508 Sources Under Construction But Not In Operation on January 1, 1971

Any effluent source under construction but not in operation on as-of January 1, 1971 must 7--but-not-in-operation--shall meet all the requirements of Section 302.507 and in addition must shall meet the following restrictions:

a) Neither the bottom, the shore, the hypolimnion, nor the thermocline shall be affected by any heated effluent.

b) No heated effluent shall affect spawning grounds or fish migration routes.

c) Discharge structures shall be so designed as to maximize short-term mixing and thus to reduce the area significantly raised in temperature.

d) No discharge shall exceed ambient temperatures by more than 11° C (20° F).

e) Heated effluents from more than one source shall not interact.

f) All reasonable steps shall be taken to reduce the number of organisms drawn into or against the intakes.

g) Cleaning--of--condensers--shall-be-accomplished-by-mechanical-devices--if-chemicals-must--be--used--to--supplement-mechanical-devices--the concentration--at--the-point-of-discharge-shall-not-exceed-the-96-hour TDS-subscript-my-for-fresh-water-organisms--

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 302.510 Incorporations by Reference

- a) The Board incorporates the following publications by reference:
American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D. C. 20005, Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1996. Available from the American Public Health Association, 1015 Fifteenth St., NW, Washington, D.C. 20005. (202) 789-5600.
- b) The Board incorporates the following federal regulations by reference. Available from the Superintendent of Documents, U.S. Government

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Printing Office, Washington, D.C., 20402. (202) 783-3238:

40 CFR 136 (1996)

40 CFR 141 (1988)

40 CFR 302.4 (1988)

The Sections of 40 CFR 132 (1996) listed below:

Appendix A

Section I A

Section II

Section III C

Section IV D, E, F, G, H, and I

Section V C

Section VI A, B, C, D, E, and F

Section VIII

Section XI

Section XVII

Appendix B

Section III

Section VII B and C

Section VIII

Appendix C

Section II

Section III A, (1 through 6 and 8) B, (1 and 2)

Appendix D

Section III C, D, and E

Section IV

c) This Section incorporates no future editions or amendments.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.515 Offensive Conditions

Waters of the Lake Michigan Basin must be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. The allowed mixing provisions of Section 302.102 shall not be used to comply with the provisions of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.520 Supplemental Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

a) Notwithstanding the provisions of Section 302.105, waters within the Lake Michigan Basin must not be lowered in quality due to new or increased loading of substances defined as bioaccumulative chemicals of concern (BCCs) in Section 302.501 from any source or activity subject to the NPDES permitting. Section 401 water quality

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certification provisions of the Clean Water Act (Pub. L. 92-100, as amended), or joint permits from the Agency and the Illinois Department of Transportation under Section 39(n) of the Act [415 ILCS 5/39(n)] until and unless it can be affirmatively demonstrated that such change is necessary to accommodate important economic or social development.

1) Where ambient concentrations of a BCC exceed an applicable water quality criterion, no increase in loading of that BCC is allowed.

2) Where ambient concentrations of a BCC are below the applicable water quality criterion, a demonstration to justify increased loading of that BCC must include the following:

A) Pollution Prevention Alternatives Analysis. Identify any cost-effective reasonably available pollution prevention alternatives and techniques that would eliminate or significantly reduce the extent of increased loading of the BCC.

B) Alternative or Enhanced Treatment Analysis. Identify alternative or enhanced treatment techniques that are cost effective and reasonably available to the entity that would eliminate or significantly reduce the extent of increased loading of the BCC.

C) Important Social or Economic Development Analysis. Identify the social or economic development and the benefits that would be foregone if the increased loading of the BCC is not allowed.

3) In no case shall increased loading of BCCs result in exceedance of applicable water quality criteria or concentrations exceeding the level of water quality necessary to protect existing uses.

4) Changes in loadings of any BCC within the existing capacity and processes of an existing NPDES authorized discharge, certified activity pursuant to Section 401 of the Clean Water Act, or joint permits from the Agency and the Illinois Department of Transportation under Section 39(n) of the Act are not subject to the antidegradation review of subsection (a) of this Section. These changes include but are not limited to:

A) normal operational variability, including, but not limited to, intermittent increased discharges due to wet weather conditions;

B) changes in intake water pollutants;

C) increasing the production hours of the facility; or

D) increasing the rate of production.

5) Any determination to allow increased loading of a BCC pursuant to a demonstration of important economic or social development need shall satisfy the public participation requirements of 40 CFR 25 prior to final issuance of the NPDES permit. Section 401 water quality certification, or joint permits from the Agency and the Illinois Department of Transportation under Section 39(n) of the Act.

b) The following actions are not subject to the provisions of subsection

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(a) of this Section, unless the Agency determines the circumstances of an individual situation warrant application of those provisions to adequately protect water quality:

- 1) Short-term, temporary (i.e., weeks or months) lowering of water quality;
- 2) Bypasses that are not prohibited at 40 CFR 122.41 (m); or
- 3) Response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or similar federal or State authority, undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants that may pose danger to public health or welfare.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.525 Radioactivity

Except as provided in Section 302.102, all waters of the Lake Michigan Basin must meet the following concentrations in any sample:

- a) Gross beta (STORET number 03501) concentrations must not exceed 100 picocuries per liter (pCi/L).
- b) Concentrations of radium 226 (STORET number 09501) and strontium 90 (STORET number 13501) must not exceed 1 and 2 picocuries per liter, respectively.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.530 Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)

The General Provisions of Section 302.102 (Allowed Mixing, Mixing Zones and ZIDs) apply within the Lake Michigan Basin except as otherwise provided herein for substances defined as BCCs in Section 302.501:

- a) No mixing shall be allowed for BCCs for new discharges commencing on or after the effective date of this rule.
- b) Discharges of BCCs existing as of the effective date of this rule are eligible for mixing allowance consistent with Section 302.102 until March 23, 2007. After March 23, 2007 mixing for BCCs will not be allowed except as provided in subsections (c) and (d) of this Section.
- c) Mixing allowance for a source in existence on the effective date of this rule may continue beyond March 23, 2007 where it can be demonstrated on a case by case basis that continuation of mixing allowance is necessary to achieve water conservation measures that result in overall reduction of BCC mass loading to the Lake Michigan Basin.
- d) Mixing allowance for a source in existence on the effective date of this rule shall only continue if necessitated by technical and

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economic factors. Any mixing allowance continued beyond March 23, 2007 based on technical and economic factors shall be limited to not more than one NPDES permit term, and shall reflect the maximum achievable BCC loading reduction within the identified technical and economic considerations necessitating the exception. Such continued mixing allowance shall not be renewed beyond that permit term unless a new determination of technical and economic necessity is made.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.535 Ammonia Nitrogen

The open waters of Lake Michigan as defined in Section 302.501 must not exceed 0.02 mg/L total ammonia (as N: STORET Number 00610). The remaining waters of the Lake Michigan Basin shall be subject to the following:

- a) Total ammonia nitrogen (as N: STORET Number 00610) must in no case exceed 15 mg/L.
- b) Un-ionized ammonia nitrogen (as N: STORET Number 00612) must not exceed the acute and chronic standards given below subject to the provisions of Sections 302.208(a) and (b) of this Part:
 - 1) From April through October, the Acute Standard (AS) must be 0.33 mg/L and the chronic standard (CS) must be 0.057 mg/L.
 - 2) From November through March, the AS must be 0.14 mg/L and the CS must be 0.025 mg/L.
- c) For purposes of this Section, the concentration of un-ionized ammonia nitrogen as N and total ammonia as N shall be computed according to the following equations:

$$U = \frac{N}{[0.94412(1 + 10^x) + 0.0559]}$$

$$\text{and } N = U[0.94412(1 + 10^x) + 0.0559]$$

$$\text{where: } X = 0.09018 + \frac{2729.92}{(T + 273.16)} - \text{pH}$$

$$U = \text{Concentration of un-ionized ammonia as N in mg/L}$$

$$N = \text{Concentration of ammonia nitrogen as N in mg/L}$$

$$T = \text{Temperature in degrees Celsius.}$$

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.540 Other Toxic Substances

Waters of the Lake Michigan Basin must be free from any substance or any combination of substances in concentrations toxic or harmful to human health,

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or to animal, plant or aquatic life. The numeric standards protective of particular uses specified for individual chemical substances in Section 302.504 are not subject to recalculation by this Section, however, where no standard is applied for a category, a numeric value may be calculated herein.

- a) Any substance shall be deemed toxic or harmful to aquatic life if present in concentrations that exceed the following:

- 1) A Tier I Lake Michigan Basin Acute Aquatic Toxicity Criterion (LMAATC) or Tier II Lake Michigan Basin Acute Aquatic Toxicity Value (LMAATV) derived pursuant to procedures set forth in Sections 302.555, 302.560 or 302.563 at any time; or
- 2) A Tier I Lake Michigan Basin Chronic Aquatic Toxicity Criterion (LMCATC) or Tier II Lake Michigan Basin Chronic Aquatic Toxicity Value (LMCATV) derived pursuant to procedures set forth in Section 302.565 as an average of four samples collected on four different days.

- b) Any combination of substances, including effluents, shall be deemed toxic to aquatic life if present in concentrations that exceed either subsection (b)(1) or (2) of this Section:

- 1) No sample of water from the Lake Michigan Basin collected outside of a designated zone of initial dilution shall exceed 0.3 TU[a] as determined for the most sensitive species tested using acute toxicity testing methods.
- 2) No sample of water from the Lake Michigan Basin collected outside a designated mixing zone shall exceed 1.0 TU[c] as determined for the most sensitive species tested using chronic toxicity testing methods.

- 3) To demonstrate compliance with subsections (1) and (2) of this subsection (b), at least two resident or indigenous species will be tested. The rainbow trout will be used to represent fishes for the open waters of Lake Michigan and the fathead minnow will represent fishes for the other waters of the Lake Michigan Basin. Ceriodaphnia will represent invertebrates for all waters of the Lake Michigan Basin. Other common species shall be used if listed in Table I A of 40 CFR 136 incorporated by reference at Section 302.510 and approved by the Agency.

- c) Any substance shall be deemed toxic or harmful to wildlife if present in concentrations that exceed a Tier I Lake Michigan Basin Wildlife Criterion (LWMLC) derived pursuant to procedures set forth in Section 302.575 as an arithmetic average of four samples collected over four different days.

- d) For any substance that is only a threat to drinking water, the resulting criterion or value shall be applicable to only the open waters of Lake Michigan. For any substance that is determined to be a BCC, the resulting criterion shall apply in the entire Lake Michigan Basin. These substances shall be deemed toxic or harmful to human health if present in concentrations that exceed either of the following:

- 1) A Tier I Lake Michigan Basin Human Health Threshold Criterion

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(LMHHTC) or Tier II Lake Michigan Basin Human Health Threshold Value (LMHHTV) based on disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs as derived pursuant to procedures set forth in Section 302.585 as an arithmetic average of four samples collected over four different days; or

- 2) A Tier I Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHC) or Tier II Lake Michigan Basin Human Health Nonthreshold Value (LMHNV) based on disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage as derived pursuant to procedures set forth in Section 302.590 as an arithmetic average of four samples collected over four different days.

- e) The derived criteria and values apply at all points outside of any waters in which mixing is allowed pursuant to Section 302.102 or Section 302.530.

- f) The procedures of this Subpart E set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria or values pursuant to subsections (b), (c), and (d) of this Section. No other procedures may be used to establish such criteria or values unless approved by the Board in a rulemaking or adjusted standards proceeding pursuant to Title VII of the Act. The validity and applicability of these procedures may not be challenged in any proceeding brought pursuant to Titles VIII or X of the Act, although the validity and correctness of application of the numeric criteria or values derived pursuant to this Subpart may be challenged in such proceedings pursuant to subsection (g) of this Section.

- g) Challenges to application of criteria and values.

- 1) A permittee may challenge the validity and correctness of application of a criterion or value derived by the Agency pursuant to this Section only at the time such criterion or value is first applied in its NPDES permit pursuant to 35 Ill. Adm. Code 309.152 or in an action pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion or value at the time of its first application to its facility shall constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion or value to that person.

- 2) Consistent with subsection (g)(1) of this Section, if a criterion or value is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may challenge the criterion or value in a permit appeal pursuant to 35 Ill. Adm. Code 309.181. In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion or value, and whether such information was developed by the Agency or submitted by the petitioner. The burden of proof shall be on the petitioner pursuant to Section

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40(a)(1) of the Act.

- 3) Consistent with subsection (g)(1) of this Section, in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion or value, the person bringing such action shall have the burdens of going forward with proof and persuasion regarding the general validity and correctness of application of the criterion or value.

h) Subsections (a) through (e) of this Section do not apply to USEPA registered pesticides approved for aquatic application and applied pursuant to the following conditions:

- 1) Application shall be made in strict accordance with label directions;
- 2) Applicator shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));
- 3) Applications of aquatic pesticides must be in accordance with the laws, regulations and guidelines of all State and Federal agencies authorized by law to regulate, use or supervise pesticide applications;
- 4) No aquatic pesticide shall be applied to waters affecting public or food processing water supplies unless a permit to apply the pesticide has been obtained from the Agency. All permits shall be issued so as not to cause a violation of the Act or of any of the Board's rules or regulations. To aid applicators in determining their responsibilities under this subsection (b), a list of waters affecting public water supplies will be published and maintained by the Agency's Division of Public Water Supplies.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.545 Data Requirements

The Agency shall review, for validity, applicability and completeness the data used in calculating criteria or values. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be according to methods published by USEPA or nationally recognized standards of organizations, including, but not limited, to those methods found in Standard Methods, incorporated by reference in Section 302.510, or recommended in 40 CFR 132 and incorporated by reference in Section 302.510.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.550 Analytical Testing

All methods of sample collection, preservation, and analysis used in applying

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any of the requirements of this Chapter shall be consistent with USEPA's current manual of practice or with other procedures acceptable to USEPA and the Agency.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures

The Lake Michigan Aquatic Life Criteria and Values are those concentrations or levels of a substance at which aquatic life is protected from adverse effects resulting from short or long term exposure in water.

- a) Tier I criteria and Tier II values to protect against acute effects in aquatic organisms will be calculated according to procedures listed at Sections 302.555, 302.560 and 302.563. The procedures of Section 302.560 shall be modified as necessary to allow for interactions with other water quality characteristics such as hardness, pH, temperature etc. Tier I criteria and Tier II values to protect against chronic effects in aquatic organisms shall be calculated according to the procedures listed at Section 302.565.

- b) Minimum data requirements. In order to derive a Tier I acute or chronic criterion, data must be available for at least one species of freshwater animal in at least eight different families such that the following taxa are included:

- 1) The family Salmonidae in the class Osteichthyes;
- 2) One other family in the class Osteichthyes;
- 3) A third family in the phylum Chordata;
- 4) A planktonic crustacean;
- 5) A benthic crustacean;
- 6) An insect;
- 7) A family in a phylum other than Arthropoda or Chordata; and
- 8) A family from any order of insect or any phylum not already represented.

- c) Data for tests with plants, if available, must be included in the data set.

- d) If data for acute effects are not available for all the eight families listed above, but are available for the family Daphniidae, a Tier II value shall be derived according to procedures in Section 302.563. If data for chronic effects are not available for all the eight families, but there are acute and chronic data available according to Section 302.565(b) so that three acute to chronic ratios (ACRs) can be calculated, then a Tier I chronic criterion can be derived according to procedures in Section 302.565. If three ACRs are not available, then a Tier II chronic value can be derived according to procedures in Section 302.565(e).

- e) Data must be obtained from species that have reproducing wild populations in North America except that data from salt water species

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can be used in the derivation of an ACR.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.555 Determining the Tier I Acute Aquatic Life Toxicity Criterion for the Lake Michigan Basin: Independent of Water Chemistry - (LMAATC)

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including but not limited to, hardness, pH, or temperature, the Tier I LMAATC is calculated using the procedures below.

- For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.
- For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.
- The GMAVs are ordered from high to low in numerical order.
- Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.
- The cumulative probability, P, is calculated for each GMAV as $R/(N+1)$.
- The GMAVs to be used in the calculations of subsection (g) of this Section must be those with cumulative probabilities closest to 0.05. If there are less than 59 GMAVs in the total data set, the values utilized must be the lowest four obtained through the ranking procedures of subsections (c) and (d) of this Section.
- Using the GMAVs identified pursuant to subsection (f) of this Section, the and the Ps calculated pursuant to subsection (e) of this Section, the Final Acute Value (FAV) and the LMAATC are calculated as:

$$FAV = \exp(A) \text{ and } LMAATC = FAV/2$$

Where:

$$A = L + 0.2236 S;$$

$$L = [E(\ln GMAV) - S(E(P(0.5)))]/4 ; \text{ and}$$

$$S = \{[E(\ln GMAV) (2)] - ((E(\ln GMAV)) (2))/4]/[E(P) - ((E(P(0.5))) (2))/4]\} (0.5).$$

- If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, will not be protected by the calculated FAV, then the SMAV for that species is used as the FAV.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Toxicity Criterion (LMAATC): Dependent on Water Chemistry

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, a Tier I LMAATC must be calculated using procedures in this Section. Although the relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e., for any variable, K , $f(K) = \log_{10}(K)$ of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e., for any variable, K , $f(K) = K$) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An LMAATC is calculated using the following procedures.

- For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAT) values on the transformed water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.
- Each of the slopes determined pursuant to subsection (a) of this Section is evaluated as to whether or not it is statistically valid, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the LMAATC must be calculated using the procedures in Section 302.555.
- Normalize the TAT values for each species by subtracting W , the arithmetic mean of the TAT values of a species from each of the TAT values used in the determination of the mean, such that the arithmetic mean of the normalized TAT values for each species individually or for any combination of species is zero (0.0).
- Normalize the TWQC values for each species using X , the arithmetic mean of the TWQC values of a species, in the same manner as in subsection (c) of this Section.
- Group all the normalized data by treating them as if they were from a single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope, V .
- For each species, the graphical intercept representing the species TAT intercept, $f(Y)$, at a specific selected value, Z , of the WQC is calculated using the equation:

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$$f(Y) = W - V(X - g(Z))$$

Where:

$f()$ is the transformation used to convert acute toxicity values to TAT values;

Y is the species acute toxicity intercept or species acute intercept;

W is the arithmetic mean of the TAT values as specified in subsection (c) of this Section;

V is the pooled acute slope as specified in subsection (e) of this Section;

X is the arithmetic mean of the TWQC values as specified in subsection (c) of this Section;

$g()$ is the transformation used to convert the WQC values to TWQC values; and

Z is a selected value of the WQC.

g) For each species, determine the species acute intercept, Y , by carrying out an inverse transformation of the species TAT value, $f(Y)$. For example, in the case of a logarithmic transformation, $Y = \text{antilogarithm of } (f(Y))$; or in the case where no transformation is used, $Y = f(Y)$.

h) The Final Acute Intercept (FAI) is derived by using the species acute intercepts obtained from subsection (f) of this Section, in accordance with the procedures described in Section 302.555 (b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.

i) The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI by two.

If, for a commercially or recreationally important species the geometric mean of the acute values at Z is lower than the FAV at Z , then the geometric mean of that species must be used as the FAV instead of the FAV.

j) The LMAATC at any value of the WQC, denoted by WQCx, is calculated using the terms defined in subsection (f) of this Section and the equation:

$$LMAATC = \exp(V(g(WQCx) - g(Z)) + f(AAI)).$$

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Value (LMAATV)

If all eight minimum data requirements for calculating a FAV using Tier I procedures are not met, a Tier II LMAATV must be calculated for a substance as follows:

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a) The lowest GMAV in the database is divided by the Secondary Acute Factor (SAF) corresponding to the number of satisfied minimum data requirements listed in the Tier I methodology (Section 302.553). In order to calculate a Tier II LMAATV, the data base must contain, at a minimum, a GMAV for one of the following three genera in the family Daphnidae -- Ceriodaphnia sp., Daphnia sp., or Simocephalus sp. The Secondary Acute Factors are:

Number of Minimum data requirements satisfied (required taxa)	Secondary Acute Factor
1	43.8
2	26.0
3	16.0
4	14.0
5	12.2
6	10.4
7	8.6

b) If dependent on a water quality characteristic, the Tier II LMAATV must be calculated according to Section 302.560.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)

a) Determining Tier I LMCATC

1) When chronic toxicity data are available for at least eight resident or indigenous species from eight different North American genera of freshwater organisms as specified in Section 302.553, a Tier I LMCATC is derived in the same manner as the FAV in Sections 302.555 or 302.560 by substituting LMCATC for FAV or FAI, chronic for acute, SMCV (Species Mean Chronic Value) for GMAV, and GMCV (Genus Mean Chronic Value) for GMAV.

2) If data are not available to meet the requirements of subsection (a) of this Section, a Tier I LMCATC is calculated by dividing the FAV by the geometric mean of the acute-chronic ratios (ACRs) obtained from at least one species of aquatic animal from at least three different families provided that of the three species:

- At least one is a fish;
- At least one is an invertebrate; and
- At least one species is an acutely sensitive freshwater species if the other two are saltwater species.

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- 3) The acute-chronic ratio (ACR) for a species equals the acute toxicity concentration from data considered under Sections 302.555 or 302.560, divided by the chronic toxicity concentration.
- 4) If a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities will not be protected by the calculated LMCATC, then the SMCV for that species is used as the CATC.
- b) Determining the Tier II LMCATV
- 1) If all eight minimum data requirements for calculating a FCV using Tier I procedures are not met, or if there are not enough data for all three ACRs, a Tier II Lake Michigan Chronic Aquatic Life Value shall be calculated using a secondary acute chronic ratio (SACR) determined as follows:
- A) If fewer than three valid experimentally determined ACRs are available, use sufficient ACRs of 18 so that the total number of ACRs equals three; and
- B) Calculate the Secondary Acute-Chronic Ratio as the geometric mean of the three ACRs; or
- C) If no experimentally determined ACRs are available, the SACR is 18.
- 2) Calculate the Tier II LMCATV using one of the following equations:
- A) Tier II LMCATV = FAV / SACR
- B) Tier II LMCATV = SAV / FACR
- C) Tier II LMCATV = SAV / SACR

Where:

the SAV equals 2 times the value of the Tier II LMCATV calculated in Section 302.563.

- 3) If, for a commercially or recreationally important species, the SMCV is lower than the calculated Tier II LMCATV, then the SMCV must be used as the Tier II LMCATV.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin

A bioaccumulation factor (BAF) is used to relate the concentration of a substance in an aquatic organism to the concentration of the substance in the waters in which the organism resides when all routes of exposure (ambient water and food) are included. A BAF is used in the derivation of water quality criteria to protect wildlife and criteria and values to protect human health.

a) Selection of data. BAFs can be obtained or developed from one of the

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following methods, listed in order of preference.

- 1) Field-measured BAFs.
- 2) Field-measured biota-sediment accumulation factor (BSAF).
- 3) Laboratory-measured Bioconcentration Factor (BCF).
- The concentration of particulate organic carbon (POC) and dissolved organic carbon (DOC) in the test solution shall be either measured or reliably estimated.
- 4) Predicted BCFs.
- Predicted baseline BCF = Kow.
- b) Calculation of baseline BAFs for organic chemicals.
- The most preferred BAF or BCF from above is used to calculate a baseline BAF which in turn is utilized to derive a human health or wildlife specific BAF.
- 1) Procedures for determining the necessary elements of baseline calculation.

- A) Lipid normalization. The lipid-normalized concentration, C[l], of a chemical in tissue is defined using the following equation:

$$C[l] = C[b] / f[l]$$

Where: C[b] = concentration of the organic chemical in the tissue of aquatic biota (either whole organism or specified tissue) (ug/g).

f[l] = fraction of the tissue that is lipid.

B) Bioavailability.

The fraction of the total chemical in the ambient water that is freely dissolved, f[fd], shall be calculated using the following equation:

$$f[fd] = 1 / [1 + ((DOC)(Kow)/10) + ((POC)(Kow))]$$

Where:

DOC = concentration of dissolved organic carbon, kg of dissolved organic carbon/L of water.

Kow = octanol-water partition coefficient of the chemical.

POC = concentration of particulate organic carbon, kg of particulate organic carbon/L of water.

- C) Food Chain Multiplier (FCM). For an organic chemical, the FCM used shall be derived from Table B-1 in 40 CFR 132. Appendix B (1996) incorporated by reference at Section 302.510.

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2) Calculation of baseline BAFs.

A) From field-measured BAFs:

$$\text{Baseline BAF} = \left\{ \frac{[\text{measured BAF}(t)]}{f[f_d]} - 1 \right\} \left\{ \frac{1}{f[l]} \right\}$$

Where:

$\text{BAF}(t)$ = BAF based on total concentration in tissue and water of study organism and site.

$f[l]$ = fraction of the tissue of study organism that is lipid.

$f[f_d]$ = fraction of the total chemical that is freely dissolved in the ambient water.

B) From a field measured sediment Biosediment accumulation factor (BSAF)

$$(\text{Baseline BAF})[i] =$$

$$\frac{(\text{baseline BAF})[r] (\text{BSAF})[i] (\text{Kow})[i]}{(\text{Kow})[r]} / (\text{BSAF})[r]$$

Where:

$(\text{BSAF})[i]$ = BSAF for chemical "[i]".

$(\text{BSAF})[r]$ = BSAF for the reference chemical "[r]".

$(\text{Kow})[i]$ = octanol-water partition coefficient for chemical "[i]".

$(\text{Kow})[r]$ = octanol-water partition coefficient for the reference chemical "[r]".

i) A BSAF shall be calculated using the following equation:

$$\text{BSAF} = C[l] / C[soc]$$

Where:

$C[l]$ = the lipid-normalized concentration of the chemical in tissue.

$C[soc]$ = the organic carbon-normalized concentration

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of the chemical in sediment.

ii) The organic carbon-normalized concentration of a chemical in sediment, $C[soc]$, shall be calculated using the following equation:

$$C[soc] = C[s] / f[oc]$$

Where:

$C[s]$ = concentration of chemical in sediment (ug/g sediment).

$f[oc]$ = fraction of the sediment that is organic carbon.

C) From a laboratory-measured BCF:

$$\text{baseline BAF} = (\text{FCM}) \left\{ \frac{[\text{measured BCF}(t)]}{f[f_d]} - 1 \right\}$$

Where:

$\text{BCF}(t)$ = BCF based on total concentration in tissue and water.

$f[l]$ = fraction of the tissue that is lipid.

$f[f_d]$ = fraction of the total chemical in the test water that is freely dissolved.

FCM = the food-chain multiplier obtained from Table B-1 in 40 CFR 132, Appendix B incorporated by reference at Section 302.510 by linear interpolation for trophic level 3 or 4, as necessary.

D) From a predicted BCF:

$$\text{baseline BAF} = (\text{FCM}) (\text{predicted baseline BCF}) = (\text{FCM})(\text{Kow})$$

Where:

FCM = the food-chain multiplier obtained from Table B-1 in 40 CFR 132, Appendix 5, incorporated by reference at Section 302.510 by linear interpolation for trophic level 3 or 4, as necessary.

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K_{ow} = octanol-water partition coefficient.

c) Human health and wildlife BAFs for organic chemicals:

- 1) Fraction freely dissolved ($f[fd]$). By using the equation in subsection (b)(1)(B) of this Section the $f[fd]$ to be used to calculate human health and wildlife BAFs for an organic chemical shall be calculated using a standard POC concentration of 0.00000004 kg/L and a standard DOC concentration of 0.000002 kg/L:

$$f[fd] = 1 / [1 + (0.000000024 \text{ kg/L}) / (K_{ow})]$$

2) Human health BAF. The human health BAFs for an organic chemical shall be calculated using the following equations:

- A) For trophic level 3:
Human Health BAF[HHTL3] = [(baseline BAF)(0.0182) + 1] ($f[fd]$)
- B) For trophic level 4:
Human Health BAF[HHTL4] = [(baseline BAF) (0.0310) + 1] ($f[fd]$)

Where:

0.0182 and 0.0310 are the standardized fraction lipid values for trophic levels 3 and 4, respectively, that are used to derive human health criteria and values.

3) Wildlife BAF. The wildlife BAFs for an organic chemical shall be calculated using the following equations:

- For trophic level 3:
Wildlife BAF[WLT3] = [(baseline BAF)(0.0646) + 1] ($f[fd]$)
- B) For trophic level 4:
Wildlife BAF[WLT4] = [(baseline BAF)(0.1031) + 1] ($f[fd]$)

Where:

0.0646 and 0.1031 are the standardized fraction lipid values for trophic levels 3 and 4, respectively, that are used to derive wildlife criteria.

d) Human health and wildlife BAFs for inorganic chemicals. For inorganic chemicals the baseline BAFs for trophic levels 3 and 4 are both assumed to equal the BCF determined for the chemical with fish.

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- 1) Human health. Measured BAFs and BCFs used to determine human health BAFs for inorganic chemicals shall be based on concentration in edible tissue (e.g., muscle) of freshwater fish.
- 2) Wildlife. Measured BAFs and BCFs used to determine wildlife BAFs for inorganic chemicals shall be based on concentration in the whole body of freshwater fish and invertebrate.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.575 Procedures for Deriving Tier I Water Quality Criteria in the Lake Michigan Basin to Protect Wildlife

The Lake Michigan Basin Wildlife Criterion (LMMC) is the concentration of a substance which if not exceeded protects Illinois wild mammal and bird populations from adverse effects resulting from ingestion of surface waters of Lake Michigan and from ingestion of aquatic prey organisms taken from surface waters of Lake Michigan. Wildlife criteria calculated under this Section protect against long term effects and are therefore considered chronic criteria. The methodology involves utilization of data from test animals to derive criteria to protect representative or target species: bald eagle, herring gull, belted kingfisher, mink and river otter. The lower of the geometric mean of species specific criteria for bird species or mammal species is chosen as the LMMC to protect a broad range of species. This method shall also be used for non-BCCs except that different target species will be chosen if scientifically justified.

a) Procedure for Bioaccumulative Chemicals of Concern (BCCs).

- 1) Representative Avian Target Species:

- A) Bald Eagle;
- B) Herring Gull; and
- C) Belted Kingfisher.

- 2) Representative Mammalian Target Species:

- A) River Otter; and
- B) Mink.

- 3) Minimum data requirements:

- A) Test dose. In order to calculate a LMMC the following minimal data base is required:
 - i) There must be at least one data set showing dose-response for oral, subchronic, or chronic exposure of 28 days for one bird species; and
 - ii) There must be at least one data set showing dose-response for oral, subchronic, or chronic exposure of 90 days for one mammal species.
- B) Bioaccumulation Factor (BAF) data requirements:
 - i) For any chemical with a BAF of less than 125 the BAF may be obtained by any method; and
 - ii) For chemicals with a BAF of greater than 125 the BAF must come from a field measured BAF or BSAF.

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$UF[1]$ = the uncertainty factor for extrapolation from LOAEL to NOAEL.

Wt = Average weight in kilograms (kg) of the target species.

W = Average daily volume of water in liters consumed per day (L/d) by the target species.

$F[11]$ = Average daily amount of food consumed by the target species in kilograms (kg/d).

$BAF[WLTLi]$ = Aquatic life Bioaccumulation Factor with units of liter per kilogram (L/kg), as derived in Section 302.570.

d) Calculation of the Lake Michigan Basin Wildlife Criterion. TSVs are obtained for each target species. The geometric mean TSVs of all mammal species is calculated and also of all bird species. The LMWC is the lower of the bird or mammal geometric mean TSV.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health-General

a) The Lake Michigan Basin human health criteria or values for a substance are those concentrations at which humans are protected from adverse effects resulting from incidental exposure to, or ingestion of, the waters of Lake Michigan and from ingestion of aquatic organisms taken from the waters of Lake Michigan. A Lake Michigan Human Health Threshold Criterion (LMHTC) or Lake Michigan Human Health Threshold Value (LMHTV), will be calculated for all substances according to Section 302.585, if data is available. Water quality criteria or values for substances are, or may be, carcinogenic to humans will also be calculated according to procedures for the Lake Michigan Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Human Health Nonthreshold Value (LMHNV) in Section 302.590.

b) Minimal data requirements for BAFs for Lake Michigan Basin human health criteria:

1) Tier I.

A) For all organic chemicals, either a field-measured BAF or a BAF derived using the BSAF methodology is required unless the chemical has a BAF less than 125, then a BAF derived by any methodology is required; and

B) For all inorganic chemicals, including organometals such as mercury, either a field-measured BAF or a laboratory-measured BCF is required.

2) Tier II.

A) For organic chemicals with a BAF of greater than 125, a BAF

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b) Principles for development of criteria

1) Dose standardization. The data for the test species must be expressed as, or converted to, the form mg/kg/d utilizing the guidelines for drinking and feeding rates and other procedures in 40 CFR 132, incorporated by reference at Section 302.510.

2) Uncertainty factors (UF) for utilizing test dose data in the calculation of the target species value (TSV).

A) Intermittent exposure correction. If the animals used in a study were not exposed to the toxicant each day of the test period, the no observed adverse effect level (NOAEL) must be multiplied by the ratio of days of exposure to the total days in the test period.

B) Correction from the lowest observed adverse effect level (LOAEL) to NOAEL (UF[1]). For those substances effect level (LOAEL) has been derived, the UF[1] shall not be less than one and should not exceed 10.

C) Correction for subchronic to chronic extrapolation (UF[s]). In instances where only subchronic data are available, the TD may be derived from subchronic data. In such cases, the TD shall be divided by a UF[s] to extrapolate from subchronic to chronic levels. The value of the UF[s] shall not be less than one and should not exceed 10.

D) Correction for Interspecies extrapolations (UF[a]). For the derivation of criteria, a UF[a] shall not be less than one and should not exceed 100. The UF[a] shall be used only for extrapolating toxicity data across species within a taxonomic class. A species specific UF[a] shall be selected and applied to each target species, consistent with equation below.

c) Calculation of TSV. The TSV, measured in milligrams per liter (mg/L), is calculated according to the equation:

$$TSV = \frac{[TD \times Wt]}{BAF[WLTLi]} \div \frac{[UF[a] \times UF[s] \times UF[1]]}{\{W + [FTLi] \times BAF[WLTLi]\}}$$

Where:

TSV = target species value in milligrams of substance per liter (mg/L).

TD = toxic dose to the test species, either NOAEL or LOAEL.

$UF[a]$ = Uncertainty factor for extrapolating toxicity data across species (unitless). A species-specific UF[a] shall be selected and applied to each target species, consistent with the equation.

$UF[s]$ = the uncertainty factor for extrapolating from subchronic to chronic exposures (unitless).

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derived from a measured BCF or calculated BCF is required; and

B) For inorganic chemicals, a BAF derived from a calculated BCF shall be used.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)

The LMHHTC or LMHHTV is derived for all toxic substances from the most sensitive end point for which there exists a threshold dosage or concentration below which no adverse effect or response is likely to occur.

a) Minimum data requirements:

- 1) Tier I. The minimum data set sufficient to derive a Tier I LMHHTC shall include at least one epidemiological study or one animal study of greater than 90 days duration; and
- 2) Tier II. When the minimum data for deriving Tier I criteria are not available, a more limited database consisting of an animal study of greater than 28 days duration shall be used.

b) Principles for development of Tier I criteria and Tier II values:

- 1) The experimental exposure level representing the highest level tested at which no adverse effects were demonstrated (NOAEL) shall be used for calculation of a criterion or value. In the absence of a NOAEL, a LOAEL shall be used if it is based on relatively mild and reversible effects.
- 2) Uncertainty factors (UFs) shall be used to account for the uncertainties in predicting acceptable dose levels for the general human population based upon experimental animal data or limited human data:

- A) An UF of 10 shall be used when extrapolating from experimental results of studies on prolonged exposure to average healthy humans;
- B) An UF of 100 shall be used when extrapolating from results of long-term studies on experimental animals;
- C) An UF of up to 1000 shall be used when extrapolating from animal studies for which the exposure duration is less than chronic, but greater than subchronic;
- D) An UF of up to 3000 shall be used when extrapolating from animal studies for which the exposure duration is less than subchronic;
- E) An additional UF of between one and ten shall be used when deriving a criterion from a LOAEL. The level of additional uncertainty applied shall depend upon the severity and the incidence of the observed adverse effect;
- F) An additional UF of between one and ten shall be applied

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when there are limited effects data or incomplete sub-acute or chronic toxicity data.

- 3) The total uncertainty (E4 of the uncertainty factors) shall not exceed 10,000 for Tier I criteria and 30,000 for Tier II values; and
- 4) All study results shall be converted to the standard unit for acceptable daily exposure of milligrams of toxicant per kilogram of body weight per day (mg/kg/day). Doses shall be adjusted for continuous exposure.

c) Tier I criteria and Tier II value derivation.

- 1) Determining the Acceptable Daily Exposure (ADE).

ADE = test value / E of the UFs from subsection (b)(2) of this Section

Where:

acceptable daily exposure in milligrams toxicant per kilogram body weight per day (mg/kg/day).

- 2) Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) or the Lake Michigan Basin Human Health Threshold Value (LMHHTV)

LMHHTC or LMHHTV =

$$\left[\text{ADE} \times \text{BW} \times \text{RSC} \right] /$$

$$\left\{ \text{WC} + \left[\left(\text{FC}[\text{TL3}] \times \text{BAF}[\text{HHTL3}] \right) + \left(\text{FC}[\text{TL4}] \times \text{BAF}[\text{HHTL4}] \right) \right] \right\}$$

Where:

LMHHTC or LMHHTV is in milligrams per liter (mg/L).

ADE = acceptable daily intake in milligrams toxicant per kilogram body weight per day (mg/kg/day).

RSC = relative source contribution factor of 0.8.

BW = weight of an average human (BW = 70 kg).

WC = per capita water consumption (both drinking and incidental exposure) for surface waters classified as public water supplies = two liters/day; or per capita incidental daily water ingestion for surface waters not used as human drinking water sources = 0.01 liters/day.

FC[TL3] = mean consumption of trophic level 3 fish by regional

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sport fishers of regionally caught freshwater fish = 0.0036 kg/day.

$FC[TL4]$ = mean consumption of trophic level 4 fish by regional sport fishers of regionally caught freshwater fish = 0.0114 kg/day.

$BAF[HHTL3]$ = human health bioaccumulation factor for edible portion of trophic level 3 fish, as derived using the BAF methodology in Section 302.570.

$BAF[HHTL4]$ = human health bioaccumulation factor for edible portion of trophic level 4 fish, as derived using the BAF methodology in Section 302.570.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV)

A LMHNC or LMHNV shall be derived for those toxic substances for which any exposure, regardless of extent, carries some risk of damage from cancer or a nonthreshold toxic mechanism. For single or combinations of substances, a risk level of one in one hundred thousand (1 in 100,000 or 10⁻⁵) shall be used for the purposes of determination of a LMHNC or LMHNV.

a) Minimum data requirements. Minimal experimental or epidemiological data requirements are incorporated in the cancer classification determined by USEPA at Appendix C II A to 40 CFR 132 incorporated by reference at Section 302.510.

b) Principles for development of criteria or values:

- 1) Animal data are fitted to a linearized multistage computer model (Global 1986 in "Mutagenicity and Carcinogenicity Assessment for 1, 3-Butadiene" September 1985 EPA/600/8-85/004A incorporated by reference at Section 301.106 or scientifically justified equivalents). The upper-bound 95 percent confidence limit on risk at the one in one hundred thousand risk level shall be used to calculate a risk associated dose (RAD); and
- 2) A species scaling factor shall be used to account for differences between test species and humans. Milligrams per surface area per day is an equivalent dose between species. All doses presented in mg/kg bodyweight will be converted to an equivalent surface area dose by raising the mg/kg dose to the 3/4 power.

c) Determining the Risk Associated Dose (RAD). The RAD shall be calculated using the following equation:

$$RAD = 0.00001 / q[1]*$$

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Where:

RAD = risk associated dose in milligrams of toxicant or combinations of toxicants per kilogram body weight per day (mg/kg/day).

0.00001 (1 X 10⁻⁵) = incremental risk of developing cancer equal to one in 100,000.

$q[1]*$ = slope factor (mg/kg/day)⁻¹.

d) Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV):

$LMHNC$ or $LMHNV$ =

$$\left\{ \frac{RAD \times BW}{BAF[HHTL4]} \right\} / \left\{ WC + [(FC[TL3] \times BAF[HHTL3]) + (FC[TL4] \times BAF[HHTL4])] \right\}$$

Where:

$LMHNC$ or $LMHNV$ in milligrams per liter (mg/L).

RAD = Risk Associated Dose of a substance or combination of substances in milligrams per day (mg/d) which is associated with a lifetime cancer risk level equal to a ratio of one to 100,000.

BW = weight of an average human (BW = 70 kg).

WC = per capita water consumption (both drinking and incidental exposure) for surface waters classified as public water supplies = 2 liters/day, or per capita incidental daily water ingestion for surface waters not used as human drinking water sources = 0.01 liters/day.

$FC[TL3]$ = mean consumption of trophic level 3 of regionally caught freshwater fish = 0.0036 kg/day.

$FC[TL4]$ = mean consumption of trophic level 4 of regionally caught freshwater fish = 0.0114 kg/day.

$BAF[HHTL3]$, $BAF[HHTL4]$ = bioaccumulation factor for trophic levels 3 and 4 as derived in Section 302.570.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The Agency shall maintain a listing of BCCs defined in Section 302.501 and toxicity criteria and values derived pursuant to this Subpart. This list shall be made available to the public and updated periodically but no less frequently than quarterly, and shall be published when updated in the *Illinois Register*.
- b) A criterion or value published pursuant to subsection (a) of this Section may be proposed to the Board for adoption as a numeric water quality standard.
- c) The Agency shall maintain for inspection all information including, but not limited to, assumptions, toxicity data and calculations used in the derivation of any toxicity criterion or value listed pursuant to subsection (a) of this Section until adopted by the Board as a numeric water quality standard. The Agency shall maintain for public access and inspection all physical, chemical, bioaccumulative and other information used in the definition of individual chemicals as BCCs.

(Source: Added at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Water Use Designations And Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Numbers: Proposed Action:
303.443 Amended
- 4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27]
- 5) A Complete Description of the Subjects and Issues Involved: A more detailed description is contained in the Board's Proposed Opinion of June 19, 1997 in R97-25, which is available from the Board at the address specified in question #11 below. This rule was proposed by the Illinois Environmental Protection Agency (IEPA) as a federally required rule pursuant to Section 28.2 of the Environmental Protection Act [415 ILCS 5/28.2]. These amendments propose to modify the Water Quality Standards specific to the Lake Michigan Basin to be as protective as the final water quality guidance for the Great Lakes System published by the United States Environmental Protection Agency on March 23, 1995 at 60 Fed. Reg. 15366. The proposed regulations amend the antidegradation provisions, provide for a phase-out of mixing allowances for certain compounds that bioconcentrate in organisms, promote pollution prevention practices, and establish numerical water quality standards and procedures for the derivation of criteria. Following a public hearing held on May 19, 1997, the Board made some clarifying changes to the proposal submitted by the IEPA which are reflected in this first notice proposal.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-25 and be addressed to:

Dorothy M. Gunn, Clerk

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

James R. Thompson Center
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Questions may be directed to Marie E. Tipson at the Illinois Pollution Control Board. The Board will also accept oral public testimony at a hearing scheduled for July 28, 1997 at the CONFERENCE ROOM, WAUKEGAN PORT DISTRICT, 555 S. HARBOR PLACE, WAUKEGAN, ILLINOIS. Contact the hearing officer, Marie E. Tipson for further details concerning pre-filing of testimony at 312/814-4925.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Small businesses which are dischargers into the Lake Michigan Basin or use the Lake Michigan Waters.

B) Reporting, bookkeeping or other procedures required for compliance: This amendment will not change the current compliance procedures.

C) Types of professional skills necessary for compliance: The same professional skills as are currently necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
303.100 Scope and Applicability
303.101 Multiple Designations
303.102 Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section
303.200 Scope and Applicability
303.201 General Use Waters
303.202 Public and Food Processing Water Supplies
303.203 Underground Waters
303.204 Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section
303.300 Scope and Applicability
303.301 Organization
303.311 Ohio River Temperature
303.312 Waters Receiving Fluorspar Mine Drainage
303.321 Wabash River Temperature
303.322 Unnamed Tributary of the Vermilion River
303.323 Sugar Creek and Its Unnamed Tributary
303.331 Mississippi River North Temperature
303.341 Mississippi River North Central Temperature
303.351 Mississippi River South Central Temperature
303.352 Unnamed Tributary of Wood River Creek
303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361 Mississippi River South Temperature
303.400 Bankline Disposal Along the Illinois Waterway/River
303.430 Unnamed Tributary to Dutch Creek
303.431 Long Point Slough and Its Unnamed Tributary
303.441 Secondary Contact Waters
303.442 Waters Not Designated for Public Water Supply
303.443 Lake Michigan Basin
303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Plaines River

SUBPART D: THERMAL DISCHARGES

Section
303.500 Scope and Applicability
303.502 Lake Sangchris Thermal Discharges

APPENDIX A References to Previous Rules
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act (415 ILCS 5/13, 11(b) and 27).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 21 Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section 303.443 Lake Michigan Basin

The waters of the Lake Michigan Basin must shall meet the Lake Michigan Basin water quality standards of 35 Ill. Adm. Code 302 Subpart E. Lake Michigan Basin waters under Illinois jurisdiction consist of the following:

- a) The Open waters of Lake Michigan means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn across the mouth of tributaries to Lake Michigan, but not including waters enclosed by constructed breakwaters;
- b) Lake Michigan harbors and waters within breakwaters, and waters tributary to Lake Michigan including streams, sloughs and other watercourses not named elsewhere in this Part; and
- c) The Chicago River, the North Shore Channel, and the Calumet River are not part of the Lake Michigan Basin.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

_____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Environmental Health Practitioner Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1247
- 3) Section Numbers: Proposed Action:
1247.30 Amendment
- 4) Statutory Authority: The Environmental Health Practitioner Licensing Act [225 ILCS 37].
- 5) A Complete Description of the Subjects and Issues Involved: The examination for licensure as an environmental health practitioner is a national examination administered by the National Environmental Health Association (NEHA). Our current rules establish a passing rate of 70%; however, NEHA has just changed the minimum passing score to 68%, necessitating this proposed change.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 FAX #: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of environmental health practitioners.
- B) Reporting, bookkeeping or other procedures required for

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Compliance: None

- C) Types of professional skills necessary for compliance: Environmental health practitioner skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: This was not on a regulatory agenda; NEHA changed the pass rate with no advance notice.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1247
 ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section
 1247.10 Application for Licensure as an Environmental Health Practitioner
 Under Section 21(a) or (b) of the Act (Grandfather)
 1247.20 Application for Examination/Licensure
 1247.30 Examination
 1247.40 Approved Programs of Environmental Health Practitioners
 1247.50 Experience
 1247.60 Endorsement
 1247.70 Renewal
 1247.80 Inactive Status
 1247.90 Restoration
 1247.110 Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 1247.30 Examination

- a) The examination for licensure as an environmental health practitioner shall be the Environmental Health Proficiency Exam administered by the Department or its designated testing service.
- b) The passing score on the examination shall be the passing score established by the testing entity 70%.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Public Accounting Act
- 2) Code Citation: 68 Ill. Adm. Code 1420
- 3) Section Numbers: Proposed Action:
 1420.70 Amendment
- 4) Statutory Authority: The Illinois Public Accounting Act [225 ILCS 450].
- 5) A Complete Description of the Subjects and Issues Involved: Self-study and correspondence courses have been authorized for continuing education (CE) credit for public accountants since the inception of CE. It has been limited, however, to 50% of the total number of hours. Modern computer technology has now created interactive self-study programs that simulate the classroom learning process. Accordingly, the Department has accepted recommendations that will permit licensees to increase their CE hours through interactive self-study. Of the 120 hours of CE required per renewal period, no more than 80 hours can be from interactive self-study and correspondence or individual study courses. No more than 60 hours can be from interactive self-study courses. The rest of the hours must continue to be from traditional courses and programs.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813 FAX # 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of public accountants.

B) Reporting, bookkeeping or other procedures required for compliance: Licensees must continue to maintain records of their completed CE.

C) Types of professional skills necessary for compliance: Public accounting skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1420

ILLINOIS PUBLIC ACCOUNTING ACT

Section	
1420.10	Experience
1420.20	Application for Licensure-Individual
1420.30	Application for Licensure-Firm
1420.35	Temporary Practice
1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (Repealed)
1420.110	Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. _____, effective _____.

Section 1420.70 Continuing Professional Education

- a) Approved continuing professional education course or program (CPE course), as used in this Part, shall mean a course or program that complies with subsection (d) of this Section.
- b) Recognized educational or professional sponsor, as used in this Part,

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shall mean:

- 1) The American Institute of Certified Public Accountants (AICPA);
- 2) The Illinois CPA Society/Foundation (ICPAS/F); or
- 3) A university or college approved by its governing board in the State of Illinois, or equivalent public authority governing board if in another jurisdiction, to award accounting degrees.
- c) Sponsor, as used in this Part, shall mean a person, firm, association, corporation or other group responsible for coordination and presentation of an approved CPE course or program.
- d) An approved CPE course or program is an organized program of formal learning that contributes directly to a certified public accountant's knowledge, ability or competence to perform his/her duties as a public accountant. Those programs and courses will qualify if they meet the following minimum requirements:
 - 1) The course or program shall include as its subject matter one or more of the following:
 - A) Accounting and auditing
 - B) Taxation
 - C) Management services
 - D) Computer sciences
 - E) Mathematics, statistics, probability, and quantitative applications to organization
 - F) Economics
 - G) Finance
 - H) Business, securities and administrative law
 - I) Business management and employee benefits
 - J) Professional ethics for certified public accountants
 - K) Auditing public or private sector specialized industries
 - L) Administrative practice; e.g., engagement letters, fee structure and personnel management
 - M) Effective presentation techniques
 - N) Professional Writing
 - O) Decision Making
 - P) Practice development

- 2) All courses and programs shall be developed and presented by persons with education and/or experience in the subject matter of the program to ensure compliance with the standards stated herein.

- 3) All programs must include some mechanism whereby the participants evaluate the over-all quality of the program.

- 4) All courses and programs shall specify the course objectives, level of knowledge necessary for, and prerequisites to enrollment, if any, course content, any necessary advance preparation, teaching methods to be used, and the number of CPE hours that will be earned.

- 5) An interactive self-study course or program is a program that uses interactive learning methodologies that simulate the classroom learning process by employing computer software, other

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technology or administrative systems that provide significant, ongoing, interactive feedback to the learner regarding his or her learning process. For reporting periods ending on or after September 1, 1997, interactive self-study programs shall qualify for full credit, except as limited by the provisions of the subsection (e)(4).

- 6) The sponsor(s) of all courses and programs will provide each participant with a certificate or other proof of attendance, which must include the name and address of the sponsor, the name and address of the participant, the title of the course, the number of hours actually attended in each topic, and the date the course or program was given. The sponsor(s) shall also provide each participant with an outline of the course subject matter. If the sponsor is a public accounting firm licensed under the Act, and the course is given in-firm, the sponsor will not be required to provide certificates of attendance to the employees of the firm attending the course.

- e) Credit Hours--Each approved CPE course or program "hour" shall include, as a minimum, 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation or study and shall equal one CPE course credit hour. Courses that are part of the curriculum of a university, college or other educational institution shall be awarded CPE course credit at the rate of 15 credit hours for each semester hour, or 10 credit hours for each quarter hour of school credit awarded.

- 1) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CPE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course, and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than ~~60~~ 50%--of-the-total-number-of hours required during any renewal period.

- 2) CPE course credit will be allowed for actual authorship of published articles and books, provided the subject matter of such article or book complies with this Section. CPE course credit shall be allowed for actual time spent in writing or researching, but in no case shall credit for authorship of published articles or books be given for more than ~~30~~ 25%--of-the-total-number-of hours required during any renewal period.

- 3) A correspondence or individual study course shall qualify if it meets all other requirements of these rules, it indicates average completion time on the course material, and it provides some mechanism or process by which to provide evidence of satisfactory completion by the licensee beyond certification by the licensee. Credit hours for a correspondence or individual study course other than an interactive self-study course, shall be allowed on

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the basis of one-half of the average completion time determined by the sponsor. In no case shall credit for correspondence or individual study courses, other than an interactive self-study course, be given for more than 60 50%--of--the--total--number--of hours required during any renewal period.

- 4) In addition to the limitations stated in subsection (e)(3), not more than 80 hours during any renewal period may consist of a combination of interactive self-study and correspondence or individual study courses.

5) 4) CPE course credit will be allowed for programs or courses taken toward the satisfaction of continuing education provisions in other States.

- f) Recognized educational or professional sponsors, as specified in subsection (b) above, shall be approved upon filing a sponsor application form with the Department and payment of the required fee set forth in Section 1420.40 of this Part. Such filing shall not prevent the Department from requiring additional information, to ensure full and continued compliance with the statute and this Part. The Department will require the added information when it has reason to believe that there is not full and continued compliance with the statute and this Part and the additional information is necessary to ensure compliance.

- g) All other sponsors shall be approved upon application to the Department, payment of the required fee set forth in Section 1420.40 of this Part and upon providing the Department the following additional certification:

- 1) That all courses and programs offered by such sponsor for CPE course credit will comply with this Section;
 - 2) That the sponsor will be responsible for verifying attendance at each course or program and will maintain such records for not less than five years; and
 - 3) That, upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with the requirements of this Section. Such evidence will be requested when the Department has reason to believe that there is not full and continued compliance with the statute and this Part and that the information is necessary to ensure compliance.
- h) Upon failure of any sponsor to comply with the requirements of this Section, the Department shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.
- i) All sponsor approvals shall expire December 31 of each year and may be renewed by submitting a renewal application and the required fee set forth in Section 1420.40(o) of this Part.
- j) The Department shall periodically audit CPE course information submitted by applicants to verify such information, and shall verify such information upon receipt of a written complaint or allegation that a particular applicant or group of applicants has not fully

DEPARTMENT OF PROFESSIONAL REGULATION

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complied with the requirements of the Act or this Part.

k) Any approved sponsor's course(s) shall be disapproved if the sponsor fails or refuses to provide information to the Department for ascertaining compliance with this Part as specified in subsections (f) and (g) above.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Optometric Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1320

3) Section Numbers: Proposed Action:
1320.80 Amendment

4) Statutory Authority: The Illinois Optometric Practice Act of 1987 [225 ILCS 80].

5) A Complete Description of the Subjects and Issues Involved: There has been a problem with licensees obtaining continuing education (CE) from out of state providers who were not approved sponsors. Although a mechanism existed for obtaining approval prior to or just after completion of the program, many individuals failed to do so until faced with a Departmental audit. This added provision for assessing a late fee is being added for other professions as well as optometry; the only alternative is to take disciplinary action against a licensee, which remains on his or her permanent record. Public Act 89-702, effective August 2, 1996, reauthorized the Optometric Practice Act for another ten years; among its changes was renaming the Optometric Licensing and Disciplinary Board (previously it was a "Committee").

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
FAX #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of optometrists.
- B) Reporting, bookkeeping or other procedures required for compliance: Licensees wishing to participate in CE programs offered in other states must seek approval either prior to or within 90 days after completion of the program or pay a late fee.

C) Types of professional skills necessary for compliance: Optometry skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section
 1320.20
 1320.30
 1320.40
 1320.45
 1320.50
 1320.55
 1320.60
 1320.70
 1320.80
 1320.90
 1320.95
 1320.100
 1320.110
 1320.120

Approved Programs of Optometry
 Application for Licensure
 Examinations
 Fees (Emergency Expired)
 Endorsement
 Renewals (Renumbered)
 Inactive Status
 Restoration
 Continuing Education
 Minimum Eye Examination
 Minimum Equipment List
 Practice of Optometry
 Advertising
 Granting Variances (Renumbered)

SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

Section
 1320.200
 1320.210
 1320.220
 1320.230

Standards
 Application for Diagnostic Certification
 Approved Diagnostic Topical Ocular Pharmacological Training
 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
 Restoration of Diagnostic Certification
 Endorsement of Diagnostic Certification
 Renewal of Certification (Repealed)
 Display of Certification (Repealed)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS

Section
 1320.300
 1320.310
 1320.315
 1320.320
 1320.330

Definitions and Standards
 Application for Therapeutic Certification
 Controlled Substance License Requirement
 Approved Therapeutic Ocular Training
 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
 Restoration of Therapeutic Certification

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1320.350 Endorsement of Therapeutic Certification

SUBPART D: GENERAL

Section
 1320.400
 1320.410
 1320.420
 1320.430

Fees
 Ancillary Licenses
 Renewals
 Granting Variances

AUTHORITY: Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: OPTOMETRY

Section 1320.80 Continuing Education

a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the March 31, 1998 renewal and every renewal thereafter, optometrists who hold certification for therapeutic ocular pharmaceuticals shall, in addition to the 24 hours of CE, complete 6 hours of certified CE in the treatment of ocular disease during the prerenewal period as set forth in subsection (b)(3).
- 2) A CE hour equals 50 minutes. After completion of the initial CE

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hour, credit may be given in one-half hour increments.

3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).

2) For the March 31, 1992, renewal and every renewal thereafter, as part of the 24 hours of required continuing education, each licensee shall complete during each prerenewal period at least 6 hours of credit which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act [225 ILCS 85].

A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. A maximum of one half hour additional credit will be given for the required post course evaluation.

i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.

ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.

iii) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.

B) Licensees who attend a certified education course without passage of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsections (b)(1) and (b)(3).

C) Any approved continuing education sponsor may offer, in conjunction with the above-referenced college or university, a certified course. Effective April 1, 1996, certified continuing education shall not be provided, sponsored, co-sponsored or in any way be supported or financially

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underwritten by a CE sponsor or others who receive patient referrals from those in attendance. Institutions in subsection (b)(2) are not deemed in violation of this Section.

D) Transcript quality continuing education courses shall be deemed equivalent to the certified courses if they meet the requirements set forth in subsection (b)(2)(A) above.

E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.

F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.

3) Six (6) hours of certified CE courses in the treatment of ocular disease are required for licensees who are certified for therapeutic ocular pharmaceuticals in addition to the 24 CE hours required to renew an optometry license.

A) For the period ending March 31, 1998, a minimum of 2 hours shall be in the study of glaucoma.

B) The certified therapeutic CE courses shall meet the same requirements set forth in subsection (b)(2) above.

C) An optometrist who has completed the 120 hour therapeutic training set forth in Section 1320.300 during the prerenewal period will be considered to have met the CE requirements for that renewal period.

4) Eighteen (18) hours of CE credit may be earned as follows (not accepted for certified CE):

A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.

B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the Department, or practicing optometrists in CE programs approved by the Department. One hour of teaching at an optometry school approved by the Department is equal to one hour of continuing education.

C) A maximum of 2 hours per prerenewal period for verified self-instruction that is sponsored or cosponsored by any previously approved optometry college, institution or national, state or local optometry association.

D) A maximum of 4 hours per prerenewal period for courses in practice management which includes business management.

E) A maximum of 2 hours of continuing education in cardiopulmonary resuscitation may be earned per prerenewal

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- period.
- 5) For only one prerenewal period for the duration of an optometry license in Illinois, a licensee may take a 4 hour certified continuing education course in cardiopulmonary resuscitation to satisfy 4 of the 6 hours of certified continuing education required in subsection (b)(2) above.
 - 6) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
 - 7) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
 - c) Continuing Education Sponsors and Programs
 - 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that has been approved and authorized by the Department upon the recommendation of the Optometric Licensing and Disciplinary Board committee to coordinate and present continuing education courses or programs.
 - 2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.400(a)(6), which includes:
 - A) Certification:
 - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and for providing a certificate of completion as set forth in subsection (b);
 - iii) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
 - iv) That each sponsor shall submit to the Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;
 - B) A history and the experience of the sponsor as an educational provider;
 - C) A copy of a sample program with faculty, course materials and syllabi;
 - D) The name and address of the contact person responsible for all recordkeeping; and
 - E) A list of all principals of the organization applying for a sponsor license.
 - 3) Each sponsor shall submit by March 31 of each even numbered year

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- a sponsor application along with the required fee set forth in Section 1320.400(b)(3) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
- 4) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in subject matter of the program.
- 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.
- 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name, sponsor number and address of the sponsor;
 - ii) The name of the participant and his/her optometry license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.
 - B) The sponsor shall maintain these records for not less than 5 years. These records shall include all test materials utilized for certified courses.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board Committee (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably

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- satisfactory assurances of compliance with this Section.
- a) Continuing Education Earned in Other States.
- 1) If a licensee has earned CE hours in another jurisdiction state or territory for which he/she will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$20 \$10 processing fee prior to the program or within 90 days of completion of the program course. The Board Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required 90 days, late approval may be obtained by submitting the application along with the \$20 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 3) The Board Committee has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out of state continuing education. If a licensee attends an out of state C.O.P.E. approved course, the licensee will not be required to submit the out of state CE approval form and the \$10 processing fee.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board Committee, at which time the Board Committee may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1320.400(b)(1), a statement setting forth the facts (including time frames) concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board Committee, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

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- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board Committee and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board Committee is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Child Support Enforcement2) Code Citation: 89 Ill. Adm. Code 1603) Section Numbers: Proposed Action:

160.5, 160.10, 160.15, 160.25
Amendment
160.35, 160.45, 160.60, 160.61
Amendment
160.65, 160.70, 160.75, 160.77
Amendment
160.90, 160.100, 160.110
Amendment
160.120, 160.130, 160.132
Amendment
160.136, 160.138, 160.140
Amendment
160.150, 160.160

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 90-18 and Public Law 104-193.5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement changes required to the Department's Title IV-D Child Support Enforcement Program under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18. These amendments:

- require provision for the child's health care coverage in all administrative support orders entered by the Department, and that the Department seek provision for such coverage in all judicial support orders;
- require in Temporary Assistance for Needy Families (TANF) cases that the Department enter administrative orders, or request the court to order in judicial cases, that the responsible relative pay past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code;
- provide that the Department will enter administrative support orders in situations in which the paternity of the child was established under the laws of another state;
- provide that the Department will provide copies of administrative support orders to the responsible relative and the IV-D client no later than 14 days after entry of the order;
- amend the administrative process for voluntarily acknowledging paternity to allow the child's mother or the alleged father to rescind the voluntary acknowledgment within the earlier of 60 days after the acknowledgment was signed, or the date of an administrative or judicial proceeding involving the child in which the mother or the alleged father is a party;
- change references to the ability of an alleged father in a contested administrative paternity case to demand a judicial trial by jury to delete mention of trial by jury but retain the option for the alleged

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- father to demand a judicial determination; provide for entry of temporary orders for support in contested administrative paternity cases, upon request of a party where there is clear and convincing evidence of paternity;
 - require the Department to provide notice to the parties to a IV-D child support order of the right to request review of the order not less than once every three years;
 - provide for imposition of administrative liens by the Department against responsible relative real and personal property, notice to the responsible relative and an opportunity to be heard, and levy on such property for payment of past-due child support;
 - provide for Department certification of past-due support to another state's IV-D agency where the responsible relative has property in the other state;
 - provide for Department certification of past-due support to the Secretary of Health and Human Services for denial of passports to delinquent responsible relatives;
 - provide that, unless income withholding is ordered to take effect immediately, it will commence as soon as a delinquency accrues and without prior notice to the obligor (notice is to be given to the obligor at the time the income withholding notice is served on the payor of income; the obligor can petition to contest withholding due to a dispute over the existence or amount of delinquency or the identity of the obligor);
 - provide that payors of income served with income withholding notices must forward withheld amounts within seven business days after the pay date;
 - provide that income withholding notices may be served on payors of income electronically;
 - provide that interstate income withholding is to be engaged pursuant to the provisions of the Uniform Interstate Family Support Act in cases in which the obligor is receiving income from a payor located in another state;
 - provide that in addition to certifying past-due support to state licensing agencies for suspension or revocation of licenses, the Department will certify failure to comply with a subpoena or warrant in a child support proceeding as a reason for suspension or revocation; and
 - change references to Aid to Families with Dependent Children (AFDC) to Temporary Assistance for Needy Families (TANF).
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
160.10	Amendment	September 9, 1996 (20 Ill. Reg. 12567)
160.30	Amendment	July 7, 1997, (21 Ill. Reg. 8192)
160.62	Amendment	July 7, 1997, (21 Ill. Reg. 8192)
160.71	Amendment	September 9, 1996 (21 Ill. Reg. 12567)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, IL 62763
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this Rulemaking was Summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page _____:

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Proposed Action:

104.100 Amendment
104.101 Amendment
104.102 Amendment
104.104 Amendment
104.209 Amendment
104.210 Amendment
104.213 Amendment
104.221 Amendment
104.246 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 90-18 and Public Law 104-193

5) Complete Description of the Subjects and Issues Involved: These proposed amendments make changes to Department hearing rules necessitated by companion emergency amendments to the Department's rules in 89 Ill. Adm. Code 160 on the title IV-D Child Support Enforcement Program, which are effective July 1, 1997. These changes are necessary for implementation of requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18. These amendments:

- delete references to hearings on petitions to stay service of order for withholding and notices of delinquency and substitute provision for hearings to contest or correct income withholding notices;
- provide for hearings where the Department intends to certify a responsible relative's failure to comply with a subpoena or warrant to a State licensing agency for suspension or revocation of a license;
- provide that a respondent in a contested administrative paternity hearing may file a demand in writing for a judicial determination of the existence of the father and child relationship; and
- provide that certified copies of bills for costs incurred for pregnancy and childbirth shall be admitted into evidence in Department administrative hearings without foundation testimony or other proof of authenticity or accuracy.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other proposed amendments pending on this Part? Yes
Section Proposed Action Illinois Register Citation
104.1 Amendment July 7, 1997 (21 Ill. Reg. 8207)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62763.

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking was not included on either of the two most recent agendas because: it was not anticipated by the Department when the two most recent

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regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page _____.

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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers:

	<u>Proposed Action:</u>
130.1102	Amended
130.1104	Amended
130.1107	Amended
130.1109	Amended
130.1110	Amended
130.1111	Amended
130.1114	Repeal
130.1115	Amended
130.1118	Amended
130.1123	Amended
130.1124	Amended
130.1126	Amended
130.1129	Amended
130.1130	New
130.1131	New

4) Statutory Authority: 815 ILCS 5

5) A Complete Description of the Subjects and Issues Involved:

Section 130.1102 - Amends Section to extend the duration of a Temporary Order of prohibition until the date of the Administrative Hearing.

Section 130.1104 - Amends Section to include Special Appearance provision and clarify ramifications for failing to file an answer to a Temporary Order of Prohibition.

Section 130.1107 - Amends Section to clarify Special Appearance procedures.

Section 130.1110 - Amends Section to include motions for sanctions and sets forth what motions can be granted by a Hearing Officer.

Section 130.1111 - Amends Section to grant a continuance in order to facilitate ongoing settlement negotiations. Deletes the requirement for an affidavit be filed with a motion.

Section 130.1114 - Repeals Section, no longer a necessary requirement.

Section 130.1115 - Amends Section to require mutual burden of providing

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exculpatory evidence by the Department and Respondent.

Section 130.1118 - Amends Section to allow prehearing conferences to be held by telephone and additionally adds that pre-hearing conferences may be held to assist with the disposition of the hearing.

Section 130.1123 - Amends Section to incorporate the Illinois Business Opportunity Sales Law, the Loan Brokers Act and the Business Brokers Act which includes a summary order provision for the implementation of the Acts.

Section 130.1124 - Amends Section to add statutory citation for the Illinois Business Opportunity Sales Law.

Section 130.1126 - Amends Section to disallow the recording or taping of hearing proceedings other than by the Illinois Securities Department or court reporter.

Section 130.1129 - Amends Section to provide for a 10 day response time to file a request to present newly discovered evidence to begin when the final order is received by respondent.

Section 130.1130 - New Section to create sanctions for the refusal to comply with an order or discovery rule.

Section 130.1131 - New Section to establish a procedure for a respondent to request that an order be vacated which was issued due to default on the part of the respondent.

6) Will these proposed rules replace any emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Allows the Department to implement three new Acts and update the Departments procedures for Administrative Hearings

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking:

All comments must be in writing and directed to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Theresa R. Oxtoby
Illinois Securities Department
520 South Second Street
Springfield, Illinois 62701
(217) 782-2256

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July, 1996

The full text of amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 130

REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section

130.100 Business Hours of the Securities Department
130.101 Computation of Time
130.110 Payment of Fees

130.120 Place of Filing

130.130 Date of Filing

130.135 Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD

130.140 Requirements as to Proper Form

130.141 Additional Information

130.142 Additional Exhibits

130.143 Information Unknown or Not Reasonably Available

130.144 Requirements as to Paper, Printing, and Language

130.145 Number of Copies--Signatures

130.190 Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section

133.200 Definitions of Terms Used in the Act and the Rules

130.201 Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act

130.202 Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties

130.205 Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties

130.210 Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act

130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act

130.212 Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions

130.216 Definition of "Participates" and "Participation", as Used in Section

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2.6 of the Act in Relation to Certain Transactions

Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act

130.220 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act

130.221 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers

130.225 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act

130.233 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act

130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act

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AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

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effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 130.1102 Notice of Hearing

a) The Notice of Hearing shall include:

- 1) A statement of the time, place and nature of the hearing;
- 2) A statement of the legal authority, and jurisdiction under which the hearing is held;
- 3) A short and plain statement of the matters alleged;
- 4) A statement of financial sanction or relief sought; and
- 5) A concise statement to each respondent that:
 - A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;
 - B) failure by any respondent to appear shall constitute default by such respondent unless such respondent ~~unless--such respondent has filed an answer and within thirty days--after service of--a Notice of Hearing--upon due notice--moved for and obtained a continuance; and~~
 - C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.

b) Unless otherwise required, and except for subsection (c) of this Section, each respondent shall be given a Notice of Hearing at least forty-five days prior to the first date set for any hearing hereunder. Once such notice is given, the Securities Department shall notify each respondent in writing at the last known address of each respondent of any subsequent hearing date.

c) In the case of a request for hearing by a respondent on a Temporary Order of Prohibition or Suspension, such request shall immediately toll any time limitations on the effectiveness of the Temporary Order of Prohibition or Suspension for sixty days from the date the request is received by the Department and each respondent shall be given a Notice of Hearing which shall state that by requesting a hearing the respondent agrees to a tolling of the time limitation on the effectiveness of the Temporary Order of Prohibition or Suspension for sixty days from the date the request is received by the Department. ~~Nothing in this Part shall prevent--the--Securities--Department--from scheduling--a--hearing--within--ten--days--of--the--date--on--which--the Secretary temporarily suspends--any--registration--under--the--Act--or issues--a stop or temporary order--~~

d) When a respondent timely requests a hearing on a Temporary Order of Suspension or Prohibition pursuant to Section 11(F)(2) of the Illinois Security Law of 1953, or Stop Order or Order of Denial under Section

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- 11(F)(4) of the Act issued by the Secretary, the Securities Department shall issue a Notice of Hearing in the form prescribed herein.
- e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent in its answer, special appearance, or other responsive pleading, prior to argument on any other motion, or if no other motions are presented prior to the commencement of opening statements at the hearing.
- f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, or by the personal service, to the last known address of the respondent.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 130.1104 Requirement to File an Answer

- a) In each contested case instituted by the Securities Department, each respondent shall file with the Securities Department an Answer, Special Appearance pursuant to Section 130.1107 of this Part, or other responsive pleading within thirty days of the service of the Notice of Hearing or within ten days of each amended Notice of Hearing which materially alters the Notice of Hearing, such as an addition or deletion of parties or counts, or within ten days of service of a Notice of Hearing issued pursuant to Section 130.1102(d) of this Part. Each Answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the allegation. Every allegation not explicitly denied is admitted, unless the respondent states in his or her answer that he or she has no knowledge thereof sufficient to form a belief, and attaches an affidavit of the truth of the want of knowledge, or unless the respondent has had no opportunity to deny. Failure, by the respondent, to timely file an answer, a special appearance pursuant to Section 130.1107 of this Part, or other responsive pleading shall be deemed an admission of the allegations contained in the Notice of Hearing and waives the respondent's right to a hearing. The Hearing Officer shall make a recommendation that an appropriate order be entered wherein, in addition to any other sanctions, respondent be held in default. If within thirty days after service of such Notice of Hearing, the respondent does not answer or otherwise file a responsive pleading, the respondent shall be held in default.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 130.1107 Special Appearance

- a) Prior to filing any other pleading or motion, a special appearance may be made either in person or by attorney for the limited purpose of objecting to the jurisdiction of the Securities Department over the person of the respondent. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the hearing officer may consider all matters apparent from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issues of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the objector does not preclude him or her from making any motion or defense which he or she might otherwise have made. If the hearing officer sustains the objection, any appropriate order shall be entered of record after review by a designated representative of the Secretary. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter. If a special appearance is denied by the hearing officer, the respondent's time limits to file an answer or other responsive pleading in accordance with Section 130.1104 of this Part begin from the date of the denial of the special appearance.
- b) Any objection to the subject matter jurisdiction, including the objection that the respondent did not offer and/or sell a security or a business opportunity are not the proper subject of this Section and shall be stricken by the hearing officer if made a part of the special appearance.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 130.1109 Failure to Appear

Failure to appear at the time and place set for hearing, by the respondent, shall be deemed a waiver of the right to present evidence, argue, object or cross-examine witnesses, or otherwise participate at the hearing. After presentation by the Securities Department of proof that the respondent was given proper notice and jurisdiction of the Secretary has been established, the hearing officer shall strike any answer or other pleading filed, if any, by the party failing to appear and make a recommendation to the Secretary that a finding of default and an appropriate order be entered. Where the Securities Department fails to appear, the Notice of Hearing shall be dismissed.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 130.1110 Motions

a) Motions shall be made in writing, unless otherwise allowed by the hearing officer during the course of a hearing. Written motions shall be limited to the following:

1) To request a hearing officer's recommendation for dismissal of a Notice of Hearing for failure to state facts which, if true, would form a sufficient basis for the issuance of an Order or other sanctions;

2) To request sanctions in accordance with Section 130.1130 130-11106 of this Part;

3) To request sanctions in accordance with Section 130-1115 of this Part;

4) To request dismissal of a Notice of Hearing where the Securities Department's case has been concluded without sufficient evidence having been presented to form a basis for the issuance of an Order or other sanction;

5) To request a continuance, or extension of time, upon good cause shown in accordance with Section 130.1111(a) of this Part;

6) To request an order granting a hearing to present newly discovered evidence in accordance with Section 130-1129 of this Part;

7) To request that a hearing officer deem a failure to file an answer to be an admission of the truth of the allegations contained in the Notice of Hearing;

8) To request that a hearing officer be disqualified from the hearing, for prejudice;

9) To request that an Order of the Hearing Officer entered prior to the conclusion of a hearing be vacated or modified;

10) To request separation of cases joined by the Securities Department;

11) To request that any party be held in default;

12) To request consolidation of cases or parties; and

13) To request an Order limiting a response to a demand for bill of particulars or a request for discovery, or an order restricting the number or scope of subject matter of depositions.

b) When any motion is filed, the hearing officer may allow oral written argument or both if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request which are not a part of the record in the case, an affidavit shall be attached to the motion setting forth such facts.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 130.1111 Requirements Relating to Continuances

a) A request for continuance of a hearing shall be subject to the discretion of the hearing officer.

1) Such continuance may be granted, for good cause shown, provided the request is received by the hearing officer and each party or authorized representative of record not less than five days prior to the latest hearing date unless good cause for a continuance is shown prior to or during the hearing or between hearing dates due to the absence of material evidence, sudden unavailability of counsel, sudden illness of a party or an essential witness, ongoing settlement negotiations, or other similar reasons. Such request may be in writing supported by an affidavit and shall set forth the grounds alleged therefor.

2) Oral requests for continuances shall not be granted unless made during the hearing for good cause.

3) Good cause includes, but is not limited to, service in the armed forces, or serious illness relating to either party, that party's authorized representative of record, or essential witnesses, or sudden unavailability of counsel.

b) A continuance, when granted, shall state a date certain, not more than sixty days from the prior scheduled hearing date at which time the hearing shall reconvene.

c) Continuances may be granted for the purposes of allowing the parties to complete discovery requests made pursuant to Section 130.1115 of this Part, but only where upon "Good Cause" shown, in accordance with Section 130.1111(a) of this Part, discovery could not be completed prior to the scheduled date for hearing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 130.1114 Bill of Particulars (REPEALED)

a) Upon written demand made not more than fifteen days after service of the Notice of Hearing and prior to the demanding party filing an answer to the Notice of Hearing, a party shall furnish to other parties a written bill of particulars.

b) A response to a demand for bill of particulars shall be provided to each other party within ten days of service of the written request.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 130.1115 Discovery

a) Discovery shall not be the subject of motions presented to the hearing officer, except as provided in Section 130.1110 of this Part.

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- b) Upon written request served on the opposing party, any party shall be entitled to:
- 1) The name, business and home addresses and telephone number, if available, of each witness who may be called to testify;
 - 2) Copies of each document which may be offered as evidence; and
 - 3) A description of any other evidence which may be offered.
- c) The above information shall be provided within ten business days of service of a written request.
- d) Upon written request of any party, during discovery a party shall be entitled to:
- 1) Any exculpatory evidence in a party's the-Secretaries-Department's possession. Exculpatory evidence is any evidence which tends to support the opposing party's respondent's position or to call into question the credibility of an opposing party's a-Secretaries-Department witness; and
 - 2) Copies of any investigative report which purports to be a memorandum of interview of the respondent.
- e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ten days of service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.
- f) No file of a Securities Department investigator or attorney shall be subject to discovery except as stated in subsection (d) of this Section relating to exculpatory evidence and memoranda of interviews of a respondent.
- g) In accordance with Section 130.1118 of this Part, in large or complex cases, at the discretion of the hearing officer, a pre-hearing conference with the parties and the hearing officer may be scheduled in appropriate cases. Consistent with the expedited nature of administrative hearings, the hearing officer shall, at the pre-hearing conference establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.
- h) Subject to constitutional privilege and to grants of confidentiality under common law and statutes, the-Act-and-the-freedom-of-information Act--(111-Rev-Stat-7-ch-116-par-201-et-seq-) a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already furnished. The failure of a party to respond to a request shall be deemed to be an admission thereof. Within ten days of service shall be deemed to be an admission thereof.
- i) When information or documents are withheld from disclosure or discovery on a claim that they are confidential or privileged pursuant to a common law or statute, any such claim shall be made expressly and

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shall be supported by a description of the nature of the documents, communication, or things not produced or disclosed and the exact privilege that is being claimed. ~~These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.~~

j) If a party, after being served with a request to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof, and the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter of fact, the requesting party may apply to the hearing officer for an order requiring the other party to pay the requesting party the reasonable expenses incurred in making the proof, including reasonable attorney's fees. Upon finding good cause by the hearing officer the order shall be made.

k) A party has a duty to seasonably supplement or amend any prior answer or response to discovery requests whenever new or additional information subsequently becomes known to that party.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 130.1118 Pre-Hearing Conferences

Upon written request to the hearing officer by the Securities Department or any respondent, the parties may be directed by the hearing officer to appear at a specified date, time and place for a pre-hearing conference, that may be held telephonically, prior to the date set for hearing in the particular proceeding or, without notice on the date and at the place set for such hearing and prior to the commencement thereof or during the course of such hearing, for the purpose of formulating issues and considering:

- a) The simplification of issues;
- b) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any Notice of Hearing;
- c) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- d) The limitation of the number of witnesses; and
- e) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and-
- f) Any other matters that may aid in the disposition of the hearing.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 130.1123 Orders

- a) The hearing officer shall prepare proposed findings of fact, conclusions of law, and recommendations to the Secretary. The

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- b) proposed findings of fact and Any Order of the Secretary issued without a hearing pursuant to a summary or temporary order as provided under Section 11(E) of the Illinois Securities Law of 1953 or Section 5-45(c) and Section 5-65(1) of the Business Opportunity Sales Law of Section 1995 or Section 10-55(e) of the Illinois Business Brokers Act of 1995 or Section 15-55(e) of the Illinois Loan Brokers Act of 1995 Act shall advise the respondent that any action for judicial review of the final order must be commenced within 35 days from the date a copy of the Order is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law.
- c) The Order of the Secretary shall be the decision of the Securities Department upon issues contested or stipulated to at the hearing, or presented at a hearing in which the respondent defaults, or alleged in an Order which may be made final without a hearing pursuant to Section 11(F)(4) of the Illinois Securities Law of 1953 Act, or alleged in a summary or temporary order which may be made final without a hearing pursuant to Section 11(E) or 11(F) of the Illinois Securities Law of 1953 or Section 5-45(c) and Section 5-65(1) of the Business Opportunity Sales Law of 1995 or Section 10-55(e) of the Illinois Business Brokers Act of 1995 or Section 15-55(e) of the Illinois Loan Brokers Act of 1995 Act; or upon issues which are resolved without a hearing pursuant to Section 10-25(c) of the Illinois Administrative Procedure Act (115 Rev. Stat. 1991, ch. 127, par. 1010-25(c)) [5 ILCS 100/10-25(c)].
- d) The Secretary after reviewing the hearing record may:
- 1) accept or reject in whole or in part the proposed findings of fact, proposed conclusions of law or the proposed recommendations of the hearing officer;
 - 2) require the submission of additional information, documentation or testimony; or
 - 3) order the hearing officer to conduct a rehearing; or or an additional hearing upon becoming aware of newly discovered evidence.
 - 4) order the hearing officer to conduct an additional hearing upon becoming aware of newly discovered evidence.
- e) In addition to any other sanctions, a default order Default orders shall be entered against the respondent, where the respondent fails to appear for the hearing at the scheduled time and date, and has failed to request or been granted a continuance in accordance with Section 130.1111 of this Part.
- f) A final order of the Secretary shall be in writing. A copy of the final order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or his, her or its representative or attorney at such person's last known address.
- g) The final order of the Secretary shall constitute a final administrative decision within the provisions of the Administrative Review Law.

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- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- Section 130.1124 Burden of proof
- Except as provided in Section 15 of the Illinois Securities Law of 1953 or Section 5-20 of the Business Opportunities Sales Law of 1995 Act, the burden of proof is upon the Securities Department in all cases initiated by the Securities Department. The standard of proof is a preponderance of the evidence. The standard of proof is a preponderance of the evidence (evidence of a greater weight or more convincing than that offered in opposition to it).
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- Section 130.1126 Open Hearings
- Hearings shall be open to the public and may not be recorded by the public or any respondent by any electronic means other than as set forth in Section 130.1121 of this Part. May only be recorded by any person by audio-tape.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- Section 130.1129 Application for Hearing to Present Newly Discovered Evidence
- a) Any party who receives a final order of the Secretary may within ten days of receipt of the final order file an application a motion in writing with the Secretary or his or her designee requesting that a hearing be granted to present newly discovered evidence. The application motion shall be supported by affidavit specifying the reason such evidence was unavailable at the time of hearing.
 - b) Any application motion by a party for a hearing to present newly discovered evidence shall only stay the effective date of the Order entered by the Secretary for the purpose of filing for an administrative review under the Administrative Review Law.
 - c) If a timely application for a hearing to present newly discovered evidence is made, the time for filing an administrative review complaint shall begin to run upon the issuance of the Secretary's Order disposing of the respondent's application.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- SECTION 130.1130 FAILURE TO COMPLY WITH ORDER OR RULES
- If a party, or any person at the instance of or in collusion with a party, unreasonably refuses to comply with any provision of Section 130.1115 of this

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Part after being ordered by the hearing officer to comply therewith, or fails to comply with any order entered pursuant to this part, the hearing officer, on motion, may enter such orders as are just, including among others, the following:

- a) That further proceedings be stayed until the order or rule is complied with;
- b) That the offending party be debarred from filing any other pleading relating to any issue to which the refusal or failure relates;
- c) That a witness be barred from testifying concerning that issue;
- d) That, as to the claims or defense asserted to which that issue is material, a recommendation for a final order by default be entered against the offending party or that his action be dismissed with or without prejudice; or
- e) That any portion of his pleadings relating to that issue be stricken and, if thereby made appropriate, Findings of Fact and Conclusions of Law be entered as to that issue.

In lieu of or in addition to the foregoing, the hearing officer may order that the offending party or his attorney pay the reasonable expenses including attorney's fees incurred by any party as a result of the misconduct.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SECTION 130.1131 APPLICATION TO VACATE AN ORDER ISSUED DUE TO DEFAULT

- a) Any party who receives an order, based on a failure to answer or otherwise plead, or a failure to appear at the hearing, may within ten days after receipt of the order file an application in writing with the Secretary of State or his designee requesting that the order be vacated. The application shall be supported by an affidavit specifying the reason the party was unable to file an answer, otherwise plead, or appear at the hearing.
- b) Upon good cause shown, the Secretary of State may issue an order vacating the default order, granting an extension to file an answer, and setting a date for a new hearing or supplemental hearing. If a supplemental hearing is ordered, the Secretary of State may order that the evidence presented at the previous hearing, including testimony of witnesses, may be considered by the hearing officer without the need for presenting the evidence at the supplemental hearing.
- c) Any application by a party to vacate an order issued due to default shall only stay the effective date of the order entered by the Secretary of State for the purpose of filing an administrative review under the Administrative Review Law [735 ILCS 5/3 Art. III]. If the party's application to vacate is denied by the Secretary, the Order of Default shall be considered the final order for purposes of the Administrative Review Law.
- d) If a timely application to vacate an order issued due to default is made, the time for filing an administrative review complaint shall

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begin to run upon the issuance of the Secretary's order disposing of the application to vacate an order issued due to default.

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 1000

3) Section Numbers: Adopted Action:
1000.20 Amendments
1000.50 Amendments

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).

5) Effective Date of Rulemaking: JUN 26 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3348

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended because the Abandoned Mined Lands Reclamation Council is no longer in existence. It is now a division of the Department of Natural Resources. This Part will be the Department's administrative rule governing grievance procedures relating to the Americans with Disabilities Act.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

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CHAPTER XXXIII: ~~ABANDONED-MINED-LANDS-RECLAMATION-BOARD~~ DEPARTMENT OF
NATURAL RESOURCES

PART 1000

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section 1000.10	Purpose
1000.20	Definitions
1000.30	Procedure
1000.40	ADA Coordinator Level
1000.50	Final Level
1000.60	Accessibility
1000.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulations (28 CFR 35.107).

SOURCE: Adopted at 16 Ill. Reg. 20092, effective December 14, 1992; amended at 21 Ill. Reg. ~~8882-3~~ = 3, effective January 26, 1992.

Section 1000.20 Definitions

- a) "ADA Coordinator" is the person(s) appointed by the ~~Executive Director~~ who is responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 524 S. Second Street 928-S-Spring, Springfield IL 62701-1787 62704. (28 CFR 35.107, effective January 26, 1992)
- b) "Agency" is the Illinois Department of Natural Resources ~~Abandoned Mined-Lands-Reclamation-Board~~.
- c) "Complainant" is an individual with a disability who files a grievance in accordance with this Part.
- d) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment; or being regarded as having such an impairment. ~~(28--CFR--35;1047 effective-January-267-1992)~~
- e) "Grievance" is any complaint filed with the Agency by an individual alleging that he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Agency or has been subject to discrimination by the Agency, on the basis of a disability.
- f) "Major Life Activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking,

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- breathing, learning, and working. ~~(28-CFR-35-1047-effective-January-267-1992)~~
- g) "Physical or Mental Impairment" means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. ~~(28-CFR-35-1047-effective-January-267-1992)~~
- h) "Qualified Individual with a Disability" means an individual with a disability who, with or without reasonable accommodations or modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. ~~(28-CFR-35-1047-effective-January-267-1992)~~
- i) "Reasonable Accommodation" means modifications or adjustments to services, programs or activities that enable a qualified individual with a disability to participate therein, or enjoy the benefits thereof.
- j) "Undue Hardship" means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity.

(Source: Amended at 21 Ill. Reg. 8882-3, effective January 26, 1992)

Section 1000.50 Final Level

- a) If the grievance has not been resolved to the satisfaction of the Complainant at the ADA Coordinator level, the Complainant may appeal the matter to the Executive Director of the Agency for final review. The Complainant shall have ten business days from receipt of the ADA Coordinator's response to file an appeal. The date of service of the ADA Coordinator's written response shall be considered the date of its mailing.
- b) The Complainant shall submit a copy of the grievance and the ADA Coordinator's response, along with a short written explanation of the reasons for dissatisfaction with the response, to constitute an appeal.
- c) The Executive Director shall appoint a 3-member panel to review the grievance at the final level. One member so appointed shall be designated chairman.
- d) The Complainant shall be afforded an opportunity, within 30 days after the Executive Director's receipt of the appeal, to appear before the panel and present testimony, written argument or other evidence, and

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shall have the right to designate a representative to appear on his or her behalf. The Panel shall review the grievance and the evidence presented, and may conduct interviews and seek additional information, evidence and/or advice as it deems appropriate.

e) The panel shall make written recommendations as to approval, disapproval or modification of the ADA Coordinator's decision, and transmit the recommendations to the Executive Director for final decision.

f) The Executive Director shall render a written decision to the Complainant, with a copy to the ADA Coordinator and each panel member, within 45 days after receipt of Complainant's appeal.

g) The grievance, the ADA Coordinator's response and the final decision of the Executive Director shall be maintained in accordance with the State Records Act [5 ILCS 160] ~~and~~ ~~Rev.~~ ~~Stat.~~ ~~19917-ch-1167-par-43-3-et-seq.~~ or as otherwise required by law.

(Source: Amended at 21 Ill. Reg. 6632, effective July 24, 1997)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Elder Rights
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3) Section Numbers:

270.10	Adopted Action:
270.100	New Section
270.105	New Section
270.110	New Section
270.115	New Section
270.120	New Section
270.130	New Section
- 4) Statutory Authority: 20 ILCS 105/4.01 (11), 4.04(c) and 5.02.
- 5) Effective Date of Amendment(s): July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 27, 1997
- 9) Notice of Proposal Published in Illinois Register: November 15, 1996
20 Ill. Reg. 14662
- 10) Has JCAR issued a Statement of Objections to this amendment(s)? No
- 11) Difference(s) between proposal and final version:
The following reflects the substantive changes.
 - 1) Rule Section 270.105, a definition of "Long term care facility" has been added.
 - 2) Rule Section 270.110, Subsection (d), following "decisions" the following has been added "that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees)".
 - 3) Rule Section 270.110, Subsections (e) through Subsection (n) have been added.
 - 4) Rule Section 270.120, Subsection (a)(2)(A)(ii), a minor editorial change has been made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated

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in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): The purpose of the rulemaking is to provide the requirements for the Long Term Care Ombudsman Program. Subpart B sets forth the definition of terms used in the rules; responsibilities of the Illinois Department on Aging and the Office of the State Long Term Care Ombudsman; provisions for displaying the ombudsman program poster; means for ombudsmen to access resident records if the resident is not able to give consent; and requirements preventing conflict of interest within the Program.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
217/785-3346

The full text of the Adopted Rule(s) begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 270
ELDER RIGHTS

SUBPART A: INTRODUCTION

Section
270.10

Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section

270.100 Long Term Care Ombudsman Program

270.105 Definitions

270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman

270.115 Display of Ombudsman Poster

270.120 Access to Resident Records

270.130 Conflict of Interest

AUTHORITY: Implementing Section 4.04(c) and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.04(c) and 4.01(11)].

SOURCE: Adopted at 21 Ill. Reg. 8887, effective

SUBPART A: INTRODUCTION

Section 270.10 Summary and Purpose

This Part describes the organization, standards and responsibilities of the programs that comprise the Department's Elder Rights Programs. These include the Long Term Care Ombudsman Program, the Elder Abuse and Neglect Program and the Senior Legal Assistance Program. These programs are designed to expand and advance the rights of seniors.

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section 270.100 Long Term Care Ombudsman Program

This Subpart describes the organization, standards and responsibilities of the State Long Term Care Ombudsman Program.

Section 270.105 Definitions

"Complaint" means a concern brought to, or initiated by, the ombudsman

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for investigation and action by, or on behalf of, one or more residents of a long term care facility relating to health, safety, welfare or rights of a resident.

"Legal representative" means a person properly delegated to exercise decision-making authority on behalf of another person, including, but not limited to, agents appointed under a power of attorney (whether durable or not), health care surrogate decision-makers designated under the Health Care Surrogate Act [775 ILCS 401], and representative payees, appointed by the Social Security Administration or the Railroad Retirement Board pursuant to federal law.

"Long term care facility" means any facility as defined by Section 1-113 of the Nursing Home Care Act [210 ILCS 45]. (Section 4.04(b)(2) of the Illinois Act on the Aging [20 ILCS 105/4.04(b)(2)]).

"Office" means the Office of the State Long Term Care Ombudsman as established by the Department, which shall be comprised of the State Long Term Care Ombudsman, any other State Ombudsman staff and the Sub-State Long Term Care Ombudsman Programs.

"Ombudsman" or "representative of the Office" or "duly designated representative of the Office" means any person employed by the Department to fulfill the requirements of the Office, or any representative of a Sub-State Long Term Care Ombudsman Program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and authorized by the Department to perform the duties of an ombudsman and is registered with the Office's Ombudsman Representative Registry. (Section 4.04(b)(3) of the Illinois Act on the Aging [20 ILCS 105/4.04(b)(3)])

"Resident" means any person who is a current resident of a long term care facility, an individual seeking admission to a long term care facility, a former resident, or a deceased resident if the complaint or request for information involves procedures or practices related to admission, discharge and/or the individual's entitlement to care and services under federal and State laws and regulations.

"Sub-State Long Term Care Ombudsman Program" or "Sub-State Program" means an agency designated by the Department as a sub-division of the Office.

Section 270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman

- a) The Department shall establish an Office of the State Long Term Care Ombudsman within the Department and provide for sufficient staff to carry out the State and federal statutory responsibilities of the

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- b) The Office shall establish and maintain an Ombudsman Representative Registry as an official listing of those ombudsmen who are designated as representatives of the Office.
- c) The Department reserves the right to remove from the Ombudsman Representative Registry the name of any ombudsman representative who fails to meet, maintain, or comply with the standards and requirements of the program. Any ombudsman representative so removed shall not serve, nor represent themselves, as a representative of the ombudsman program. The Department shall provide for notice of such removal to such individual, together with an opportunity to appeal the decision of the Department.
- d) The Office shall identify, investigate and resolve complaints made by or on behalf of residents of long term care facilities relating to actions, inactions or decisions that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees) of providers, or their representatives, of long term care facilities, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents. (Section 4.04(c) of the Illinois Act on the Aging)
- e) The Department shall inform the residents about means of obtaining services provided by providers or agencies described in subsection (d) above.
- f) The Department shall provide administrative and technical assistance to entities designated as Sub-State Long Term Care Ombudsman Programs.
- g) The Department shall provide for training representatives of the Office.
- h) The Department shall promote the development of citizen organizations to participate in the program.
- i) The Office shall ensure that residents have access to the services provided through the Office and that the residents and complainants receive responses to complaints from representatives of the Office.
- j) The Office shall represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents.
- k) The Office shall analyze, comment on, and monitor the development and implementation of federal, State, and local laws, regulations, and other governmental policies and actions that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long term care facilities and services in the State.
- l) The Office shall recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate.
- m) The Office shall facilitate public comment on the laws, regulations, policies, and actions.
- n) The Office shall provide technical support for the development of

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resident and family councils to protect the well-being and rights of residents.

- c) The Office shall carry out other activities consistent with the requirements of this Subpart.

Section 270.115 Display of Ombudsman Poster

Each long term care facility shall display a poster supplied by the Office in the following manner:

- a) Each poster shall be prominently displayed in the facility in a place accessible to the public.
- b) The poster shall not be obscured in any manner by any other material.

Section 270.120 Access to Resident Records

- a) When a resident is incapable of giving to the ombudsman informed consent for access to the resident's records (such resident is hereinafter referred to as an "incapable resident"), the State Long Term Care Ombudsman, the Sub-State Ombudsman or other duly designated representative of the State Long Term Care Ombudsman Office shall have access to such incapable resident's clinical and other records under the following circumstances:

- 1) the State Long Term Care Ombudsman, Sub-State Ombudsman or other duly designated representative has had a face-to-face visit with such resident and has personally determined that the resident was incapable of making and communicating an informed consent or denial for access to the resident's records by the ombudsman; and
- 2) the State Long Term Care Ombudsman, Sub-State Ombudsman or other duly designated representative has determined the following:

- A) Either:
 - i) the resident has no agent, court-appointed guardian or legal representative who is empowered to make such a decision regarding the resident's records; or
 - ii) the agent, court-appointed guardian or legal representative is implicated in the complaint; or is not acting in the best interest of the resident; or could not be located within 24 hours despite a reasonable effort by the ombudsman to do so; and
- B) A review of such records is necessary to investigate or resolve a complaint or protect the rights of the incapable resident.
- b) The State Long Term Care Ombudsman, Sub-State Ombudsman or other duly designated representative shall present a written request to the facility for such resident's records. Upon receipt of the request, the facility must allow immediate access to the resident's records by the State Long Term Care Ombudsman, the Sub-State Ombudsman or other duly designated representative of the State Long Term Care Ombudsman Office.

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- c) Should the Sub-State Ombudsman or duly designated representative be denied access to a resident's records, the ombudsman will report this fact to the Office of the State Long Term Care Ombudsman.

Section 270.130 Conflict of Interest

The Department shall ensure that no person directing, employed by, participating in, or with responsibilities for the selection or designation of the Sub-State Programs shall be subject to a conflict of interest, as defined by Section 712(f) of the Older Americans Act (42 U.S.C. 3058g(f)).

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- 1) Heading of the Part: Older Americans Act Program
- 2) Code Citation: 89 Ill. Adm. Code 230
- 3) Section Numbers: Adopted Action:
230.42 Repeal
- 4) Statutory Authority: 20 ILCS 105/4.01 (11), 4.04 (c) and 5.02
- 5) Effective Date of Amendment(s): July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 27, 1997
- 9) Notice of Proposal Published in Illinois Register: November 15, 1996, 20 Ill. Reg. 14668
- 10) Has JCAR issued a Statement of Objections to this amendment(s)? No
- 11) Difference(s) between proposal and final version: There were no changes to this rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): The Department is adopting an entirely new Part, Part 270, entitled Elder Rights, which contains the requirements for the Department's Long Term Care Ombudsman Program. In order to prevent any conflict or duplication within Department rules, Section 230.42 is being repealed.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 230

OLDER AMERICANS ACT PROGRAMS

SUBPART A: STATE AGENCY

Section	Designation and Function
230.10	Administration
230.20	State Plan
230.30	State Agency Requirements
230.40	Advocacy
230.41	Long-Term Care Ombudsman Program (Repealed)
230.42	Service Delivery Systems Responsibilities
230.43	State Advisory Council
230.44	Intrastate Funding Formula
230.45	Hearings
230.46	Designation of Planning and Service Areas
230.47	

SUBPART B: AREA AGENCIES ON AGING

Section	Designation and Function
230.110	Administration
230.120	Area Plans
230.130	Withdrawal of Area Agency on Aging Designation
230.140	Continuity of Services
230.145	Area Agency on Aging Responsibilities
230.150	

SUBPART C: SERVICE REQUIREMENTS

Section	Direct Provision of Services by the Department and Area Agencies on Aging
230.210	Planning, Coordination and Provision of Services Funded Under Other Programs
230.220	Licensure and Safety Requirements
230.230	Provider Requirements
230.240	Services
230.250	

SUBPART D: FISCAL REQUIREMENTS

Section	Types of Allotments
230.310	Limitations on Use
230.320	Service Funding Requirements
230.330	

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230.340 Obligation of Allotments
 230.350 Maintenance of Effort: Non-Federal Share
 230.360 General Audit Requirements
 230.361 Purpose of Audits
 230.362 Audit Engagement Agreement
 230.363 Distribution of the Cost of a Unified Audit
 230.364 Scope of the Financial and Compliance Audit (Repealed)
 230.365 Audit Report
 230.366 Resolution of Audit Findings
 230.370 Program and Financial Reviews

SUBPART E: HEARINGS

Section
 230.410 Hearing Before the Department
 230.420 Hearing Before the Area Agency on Aging
 230.430 Non-applicability of Hearing Requirements
 230.440 Arrangements for Hearings

SUBPART F: TITLE III-F

Section
 230.510 Target Population
 230.520 Eligibility Criteria
 230.530 Eligibility Determination
 230.540 Allowable Services
 230.550 Maintenance of Effort
 230.560 Coordination of Services
 230.570 Distribution of Funds
 230.580 Area Agency on Aging Administration

SUBPART G: CASE MANAGEMENT SERVICES

Section
 230.610 General Requirements for Providers of Case Management Services
 230.620 Case Management Service Availability
 230.630 Service Activities
 230.640 Records and Documentation
 230.650 Case Coordination Unit Compliance During Contract/Grant Period

AUTHORITY: Implementing the Illinois Act on the Aging [20 ILCS 105] and the Older Americans Act, as amended (42 U.S.C. 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging [20 ILCS 105/4.01].

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985;

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amended at 10 Ill. Reg. 5787, effective March 27, 1986; recodified at 10 Ill. Reg. 7653, effective April 30, 1986; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 15869, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 12540, effective July 15, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. 20299, effective December 15, 1989; amended at 14 Ill. Reg. 2308, effective January 25, 1990; amended at 15 Ill. Reg. 18642, effective December 13, 1991; amended at 16 Ill. Reg. 15401, effective September 28, 1992; amended at 18 Ill. Reg. 14072, effective September 1, 1994; amended at 21 Ill. Reg. effective July 1, 1995. 0034

SUBPART A: STATE AGENCY

Section 230.42 Long-Term Care Ombudsman Program (Repealed)

The Department shall operate a Statewide long-term care ombudsman program.

- a) For the purposes of this Section, long-term care facility means any:
- 1) Skilled nursing or intermediate care facility or nursing home as defined in Section 1-113 of the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1983, ch. 111-1/2, par. 4-151-113)
 - 2) Other similar adult care home as defined by the Department in the State plan and approved by the Commissioner of the Administration on Aging.
- b) The Department shall appoint an individual who shall serve as the State long-term care ombudsman and who shall be delegated the responsibility to:
- 1) Investigate and resolve complaints made by or for older persons in long-term care facilities about administrative actions that may adversely affect their health, safety, welfare or rights; administrative action means any action or decision made by an owner, employee or agent of a long-term facility, or by a government agency, which affects the provision of service to residents covered by this action;
 - 2) Monitor the development and implementation of Federal, State and local laws, regulations and policies that relate to long-term care facilities in the State;
 - 3) Provide information to public agencies about the problems of older persons in long-term care facilities;
 - 4) Train volunteers and assist in the development of citizen organizations to participate in the ombudsman program;
 - 5) Maintain a cooperative agreement to assist in nursing home complaints referred by the Illinois Department of Public Health under the Nursing Home Care Reform Act of 1979; and
 - 6) Carry out other activities consistent with the requirements of this section.

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- e) The Department shall establish procedures to ensure that:
- 1) The ombudsman program is given appropriate access to long-term care facilities and appropriate private access to residents and the ombudsman and the ombudsman's designees are given appropriate access to residents' personal and medical records;
 - 2) The Department shall establish procedures to protect the confidentiality of records and files of long-term care facility residents. Such procedures shall meet the following requirements:
 - 1) No information or records maintained by the ombudsman program shall be disclosed without authorization from the ombudsman and
 - 2) The ombudsman shall not disclose the identity of any complainant or resident unless:
 - A) The complainant or resident, or a legal representative of the complainant or resident, consents in writing to the disclosure and specifies to whom the identity is to be disclosed; or
 - B) A court orders the disclosure.
 - e) The Department shall establish a Statewide uniform reporting system to collect and analyze information on complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems. The Department shall submit this information to the Illinois Department of Public Health and to the Commissioner of the Administration on Aging in the manner prescribed by the Commissioner.

(Source: Repealed at 21 Ill. Reg. 0034, effective

JUL 1 1997

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section Numbers: Adopted Action:
3000.140 Amend
3000.220 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].
- 5) Effective Date of Amendments: July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 30, 1997
- 9) Notice of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3353
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: Several minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amends Section 3000.140 and Section 3000.220 of the Travel Regulation Council rules. The Council voted to adopt the Governor's Travel Control Board rule in regard to the calculation of mileage reimbursement. Section 3000.220 of the Travel Regulation Council rules will read the same as Section 2800.235 of the Governor's Travel Control Board rules.

By making this change, there will be an identical rule in both Part 3000 and Part 2800, along with two identical definitions (Commuting Expense and Commuting Mileage) within the two sets of rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
TDD (217)785-3979

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section	
3000.100	Authority
3000.110	Philosophy
3000.120	Policy
3000.130	Scope and Interpretation
3000.140	Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section	
3000.200	Travel Control System
3000.210	Designation of Headquarters
3000.220	Expenses at Headquarters or Residence
3000.230	Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section	
3000.300	Modes of Transportation
3000.310	Routing

SUBPART D: LODGING

Section	
3000.400	Lodging Allowances
3000.410	Least Costly Lodging
3000.420	Conference Lodging
3000.430	Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section	
3000.500	Per Diem Allowance
3000.510	Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section	
3000.600	Reimbursable and Non-Reimbursable Expenses

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3000.610 Expenses Related to Transportation
 3000.620 Receipts Required
 3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
 3000.700 Exceptions to the Rules
 3000.710 Board-Agency Rules
 3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997.

SUBPART A: GENERAL

Section 3000.140 Definitions

Agency: Any department, board, commission, committee, authority, or institution as defined in the Illinois State Auditing Act[30 ILCS 5/1-7].

Agency Head: The chief executive officer of an agency or a designated representative. Representatives must be authorized by the Agency Head and must be on file with the Office of the Comptroller. Filing of the Signature Authorization Card (SCO-95) shall constitute authorization.

Commuting Expense: The cost of one round trip between residence and headquarters, ~~regardless of mode of transportation on any given day~~. Cost may include mileage, parking fees, tolls, etc. Mileage cost is determined by multiplying the commuting mileage by the mileage reimbursement rate defined in Appendix A, Reimbursement Schedule.

Commuting Mileage: The actual round trip mileage between residence and headquarters.

Headquarters: The post of duty or station at which official duties

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require the employee to spend the largest part of working time. Headquarters shall ordinarily be the corporate city limits in which the employee is stationed or may be a designated geographical area. Headquarters shall be designated by the Agency Head in accordance with policies established by the appropriate Travel Control Board.

Travel Control Board: Those Boards created by the State Finance Act [30 ILCS 105/12-1].

Travel Regulation Council: The Travel Regulation Council (TRC or the Council) shall consist of the Chairmen or designee of each of the statutorily created Travel Control Boards.

Travel Status: An employee shall be considered "on travel status" while away from headquarters on authorized state business. Travel status shall begin when an employee leaves headquarters or, if reporting directly to destination, from residence or other location. Travel status shall conclude when an employee returns to headquarters or, if reporting directly from original destination, to residence or other location at the completion of authorized State business.

(Source: Amended at 21 Ill. Reg. 8899, effective July 1, 1997)

SUBPART B: TRAVEL CONTROL SYSTEM

Section 3000.220 Expenses at Headquarters or Residence

a) As a condition of employment, employees expect to incur commuting expenses between their residence and headquarters. These expenses are not reimbursable. Expenses associated with State business in excess of commuting expenses are reimbursable at headquarters and/or residence. An employee whose travel does not include travel through headquarters shall be reimbursed for all mileage. An employee whose travel does include travel through headquarters shall be reimbursed for all mileage in excess of commuting mileage. All travel must be by the most direct route.

b) "Travel through headquarters" is defined as:

Any travel to or through the corporate city limits of the employee's designated headquarters, regardless of whether the employee made a stop at the work site or changed vehicles or modes of transportation. Examples of reimbursable mileage expenses are as follows:

- 1) Residence/Lincoln -- Headquarters/Springfield. Employee drives from residence in Lincoln to Chicago and returns to residence. Reimbursement is for all mileage because the travel was not to or through headquarters.
- 2) Residence/Lincoln -- Headquarters/Springfield. Employee drives from residence in Lincoln to Collinsville and back to residence.

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Reimbursement is for all mileage in excess of commuting mileage. The travel, by the most direct route, was through headquarters.

- 3) Residence/Carbondale -- Headquarters/Marion. Employee drives from residence to headquarters. Later, employee drives from headquarters to Anna and back to residence. Reimbursement is for all mileage in excess of commuting mileage.

- 4) Residence/Evanston -- Headquarters/JRTC, Chicago. Employee drives from residence to McCormick Place for an event. After the event, the employee drives to headquarters, then to residence. Reimbursement is for all mileage in excess of commuting mileage because the travel was through headquarters.

- 5) Residence/Chicago -- Headquarters/JRTC, Chicago. Employee normally commutes to work by train. However, in order to attend a meeting at another location, the employee drives from residence to headquarters, then to the meeting location, then returns to headquarters and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The fact that the employee normally rides the train to work has no effect on determining reimbursement.

- d) Agencies are responsible for monitoring claims under this Section.

- a) Expenses associated with commuting between an employee's residence and headquarters are not reimbursable. Meals, lodging and per diem are not reimbursable at headquarters or at residence. Mileage expenses, parking fees, et cetera, associated with State business which are in excess of commuting expenses are reimbursable at headquarters. An employee whose travel does not include a stop at headquarters shall be reimbursed for all mileage. Agencies are responsible for proper monitoring of claims under this Section.

- b) A "stop at headquarters" has been made if:
- 1) the employee stops at his/her usual work site, the site where the employee spends a majority of his or her time or the site designated on Form TA-27 regardless of time of day;
 - 2) the employee stops within the headquarters city to take up another mode of transportation or change vehicles.

- e) Examples of allowable mileage calculations are:

- 1) Residence/Carlinville/Headquarters/Springfield. Employee drives from Carlinville to Chicago and returns to Carlinville. Reimbursement is for entire mileage.

- 2) Residence/Oak Park/Headquarters/Chicago. Employee travels from Oak Park to Tinley Park to Harvey to Chicago and returns from Chicago to Oak Park. Employee would be reimbursed for all mileage from Oak Park to Chicago. Chicago to Oak Park not reimbursable.

- 3) Residence/Bimhurst/Headquarters/Chicago. Employee drives from residence to Union Station. Upon return, drives from Union Station to Bimhurst. Reimbursement is for mileage in excess of commuting mileage.

- 4) Residence/Springfield/Headquarters/Springfield. Employee drives

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from residence to Capitol Airport. Upon return, drives from Capitol Airport to residence. Reimbursement is for mileage in excess of commuting mileage, if any.

- 5) Residence/Downers Grove/Headquarters/Chicago. Employee normally takes train to work. Employee drives car to the office. Drives later in the day to a meeting elsewhere in Chicago and returns to office. Reimbursement is for mileage from office to meeting site and return. Parking is also reimbursable.
- 6) Residence/Jacksonville/Headquarters/Springfield. Employee normally car pools to work. Employee drives to headquarters. Picks up State car, drives to Chicago and returns. Drives personal vehicle home. Reimbursement is for mileage in excess of commuting mileage, if any.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.10 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].
- 5) Effective Date of Amendment: July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. Approval not necessary.
- 8) Date Filed in Agency's Principal Office: June 25, 1997
- 9) Notice of Proposal Published in Illinois Register: February 14, 1997, 21 Ill. Reg. 1745
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendment: The Illinois Commerce Commission ("Commission") has adopted 83 Ill. Adm. Code 590, "Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities," to incorporate by reference certain Federal safety standards. This complies with Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3], which requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards. Since the last Commission action amending Part 590 in 1995, the United States Department of Transportation ("USDOT") completed rulemaking that amended its safety standards in 49 CFR 192, 193, and 199, which the Commission has incorporated by reference in Part 590. It is appropriate to incorporate the USDOT amendments into Part 590.

ILLINOIS COMMERCE COMMISSION
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- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
217/785-3922

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 590

MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8908, effective January 1, 1997.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of January 1, 1997 February-15-1995, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 21 Ill. Reg. 8908, effective January 1, 1997.)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Operating Procedures for the Administration of Federal Funds
- 2) Code Citation: 20 Ill. Adm. Code 1520
- 3) Section Numbers:
 1520.10 Adopted Action:
 Amendment
 1520.30 Repeal
 1520.45 Repeal
 1520.47 Amendment
 1520.48 New Section
 1520.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].
- 5) Effective Date of Rulemaking: June 27, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 25, 1997
- 9) Notice of Proposal Published in Illinois Register: January 17, 1997; 21 Ill. Reg. 752
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
- a) In Section 1520.48, line 486, "proposal" was changed to "proposal's".
- b) In Section 1520.48, line 512, "and" was deleted.
- c) In Section 1520.48, after line 512 "9) funding priorities as described in subsection a) above, if it was necessary for the Authority to select such priorities; and" was added.
- d) In Section 1520.48, line 513, "9)" was changed to "10)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 15) **Summary and Purpose of Rulemaking:** Repeals rules for the administration of Justice Assistance Act, and State and Local Law Enforcement Assistance Act funds, as such grant programs are no longer in effect. Amends rules for the administration of Violence Against Women Act funds to reflect the current grant program office. Updates rules for the administration of federal funds to reflect the current, applicable circulars and guidelines. Delineates operating procedures for the administration of federal program funds, other than those subject to Sections 1520.40, 1520.46 or 1520.47, that the Authority may receive and distribute to State agencies, units of local government, not for profit organizations, and other eligible organizations and entities, and appeals taken therefrom.

- 16) **Information and questions regarding these adopted amendments shall be directed to:**

Name: Kristi J. Kangas, Legal Advisor
 Address: Illinois Criminal Justice Information Authority
 120 S. Riverside Plaza
 Chicago, Illinois 60606-3997
 Telephone: (312)793-8550

The full text of the Adopted Amendment begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
 CHAPTER III: ILLINOIS CRIMINAL JUSTICE
 INFORMATION AUTHORITY

PART 1520

OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL FUNDS

Section	Purpose and Authorization
1520.10	Definitions
1520.20	Application and Receipt of Justice Assistance Act of 1984 Funds
1520.30	(Repealed)
1520.40	Application and Receipt of Victims of Crime Act of 1984 Funds
1520.45	Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds (Repealed)
1520.46	Application and Receipt of Anti-Drug Abuse Act of 1988 Funds
1520.47	Application and Receipt of Violence Against Women Act of 1994 Funds
1520.48	Application and Receipt of Other Federal Program Funds
1520.50	Administration of Federal Funds
1520.60	Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expired September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989; emergency amendments at 20 Ill. Reg. 3335, effective February 2, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8316, effective June 7, 1996; emergency amendments at 21 Ill. Reg. 651, effective December 26, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 8409 = effective JUN 2 1997.

Section 1520.10 Purpose and Authorization

- a) The Illinois Criminal Justice Information Authority (Authority) establishes this part to exercise its responsibility to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by...the United States pursuant to the federal Crime Control Act of 1973 (P.L. 93-83), as amended, and similar federal legislation, and to enter into agreements with the United States Government to further the purposes of the Act, or as may be required as a condition of obtaining federal funds,.... [20 ILCS 3930/7(k)]
- b) Pursuant to the Organizational rules of the Illinois Criminal Justice

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NOTICE OF ADOPTED AMENDMENTS

Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. This duty includes responsibility for establishing grant award procedures, submission of the Applications for funds and oversight of the grant award procedures for Justice Assistance Act of 1984 (P.B. 98-473, effective October 12, 1984), State and Local Law Enforcement Assistance Act (P.B. 99-578, effective October 27, 1986), Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988), and Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994), and other federal program funds that the Authority is designated to administer funds.

(Source: Amended at 21 Ill. Reg. 8909, effective 1-2-1997)

Section 1520.30 Application and Receipt of Justice Assistance Act of 1984 Funds (Repealed)

- a) The Authority will annually review the eligible purposes set forth in Section 483(a) of the Justice Assistance Act of 1984 (P.B. 98-473, effective October 12, 1984) and, based on the needs and requests of units of local and state government made pursuant to oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1983, ch. 182, par. 41 et seq.), select the funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- b) For purposes of determining the distribution of federal funds made available to the State of Illinois through the Justice Assistance Act of 1984, among urban, rural, and suburban units of local government, the Authority shall give priority to those units of local government with the greatest need. To that end, based upon the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those units of local government with the greatest need:
- 1) an analysis of need as evidenced by demographic and criminal justice data;
 - 2) comments from the public and State local officials; and
 - 3) current research findings.
- A unit of local government so identified, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Justice Assistance Act of 1984 and, if so interested and so qualified, to prepare a program description that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government proposes to achieve those

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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objectives. A unit of local government not so identified by the Executive Director shall, however, upon written request to the Executive Director, be included among those units of local government evaluated by the Executive Director pursuant to the criteria described herein.

c) The Budget Committee shall, at a public meeting, designate programs implementing agencies, and amounts for funding which address one or more of the purposes specified by the Authority in subsection (a) above consistent with the Justice Assistance Act of 1984 and the Rules for Criminal Justice Block Grants of the Department of Justice, Bureau of Justice Assistance (28 CFR 33.1 et seq., effective May 30, 1985), the Budget Committee's decision to designate these programs, implementing agencies, and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above;
- 2) comments from the public and State and local officials;
- 3) the proven effectiveness of a program by making a prudent assessment of the problem to be addressed by a proposed program;
- 4) the likelihood that a program will achieve the desired objectives by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests or demonstrations;
- 5) the availability of funds; and
- 6) the overall cost of the program.

d) Pursuant to Section 488(a) of the Justice Assistance Act of 1984, those programs implementing agencies or fund amounts approved by the Budget Committee as specified by subsection (c) above shall be delineated in an Application for submission to the Bureau of Justice Assistance. Such Application shall also include those assurances listed in Section 485 of the Justice Assistance Act of 1984. Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (d) above specifying the terms and conditions under which the programs services or activities are to be conducted and the federal funds are to be received if the Authority is the designated implementing agency. Then the Executive Director shall document such terms and conditions which to become effective must be accepted in writing by the Chairman of the Authority.

(Source: Repealed at 21 Ill. Reg. 8909, effective 1-2-1997)

Section 1520.45 Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds (Repealed)

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- a) The Authority will annually review Section 1302 of the State and Local Law Enforcement Assistance Act of 1906 (P.B. 99-570) effective October 27, 1906, and based on the need for services to enforce State and local laws that establish offenses similar to offenses established in the Controlled Substance Act (21 U.S.C. 801 et seq.) the services available to address that need, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (55 ILCS 120.1 et seq.), select program funding priorities for each fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (21 ILCS 1750.310 et seq.).
- b) Federal funds made available to the State of Illinois through the State and Local Law Enforcement Assistance Act of 1906 shall be distributed to State agencies and units of local government. Based upon the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies and units of local government eligible for the receipt of federal funds:
- 1) comments from the public and state and local officials;
 - 2) information including but not limited to drug activity with grants and current efforts regarding drug enforcement indicating the likelihood that a State agency or unit of local government will achieve the desired objectives of the State and Local Law Enforcement Assistance Act of 1906; and
 - 3) drug law enforcement information including arrests, prosecutions, convictions, recidivism, percentages as well as gross numbers, overdose, information provided to police by citizens, and treatment information such as admissions to programs.
- e) A unit of local government or State agency so identified pursuant to subsection (b) above shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the State and Local Law Enforcement Assistance Act of 1906 and if so interested and so qualified to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives and indicates the means by which the unit of local government or State agency proposes to achieve those goals and objectives. A unit of local government or State agency not so identified by the Executive Director shall, however, upon written request to the Executive Director, be included among those units of local government or State agencies evaluated by the Executive Director pursuant to the criteria described herein. In assessing the interest in and ability to qualify for the receipt of the above mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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- d) Required matching money: The Budget Committee shall at a public meeting conducted pursuant to the Open Meetings Act (55 ILCS 120.1 et seq.) Rev. Stat. 1905, ch. 102, par. 41 et seq.) designate programs or projects implementing agencies and amounts for funding which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the State and Local Law Enforcement Assistance Act of 1906. The Budget Committee's decision to designate these programs or services implementing agencies and fund amounts shall be based upon equal consideration of the following factors:
- 1) the recommendations of the Executive Director made pursuant to subsection (b) above;
 - 2) comments from the public and State and local officials;
 - 3) the availability of funds; and
 - 4) the overall cost of the program or services.
- e) Pursuant to Section 1303 of the State and Local Law Enforcement Assistance Act of 1906, the Application to the Bureau of Justice Assistance shall include a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances and those certifications and assurances listed in Section 1303 of the State and Local Law Enforcement Assistance Act of 1906.
- f) Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (d) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions which to become effective must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Repealed at 21 Ill. Reg. 6900, effective JUN 2 1997)

Section 1520.47 Application and Receipt of Violence Against Women Act of 1994 Funds

a) The Authority will annually review Section 2001 of the Violence

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994) and based on the need to strengthen law enforcement, prosecution and victim services in cases involving violent crimes against women, particularly crimes of sexual assault and domestic violence, the services available to address that need, consultation with nonprofit, nongovernmental victim service programs, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act [5 ILCS 120], will select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.330).

b) Federal funds made available to the State of Illinois through the Violence Against Women Act of 1994 may be distributed to State agencies, units of local government, and nonprofit, nongovernmental victim services programs. In distributing funds, the Authority will give priority to areas of varying geographic size with the greatest needs, consider the population to be served within a geographic area, assure that the needs of previously underserved populations are identified and addressed, and equitably distribute monies on a geographic basis, including non-urban and rural areas of various geographic sizes. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies, units of local government, and nonprofit, nongovernmental victim services programs eligible for the receipt of federal funds:

- 1) analysis of need as evidenced by public health data, data regarding orders of protection, and demographic and criminal justice data;
 - 2) comments from the public, service providers, and State and local officials;
 - 3) information (including but not limited to prior experience with grants and current efforts regarding cases involving violent crimes against women) indicating the likelihood that a State agency, unit of local government, or nonprofit, nongovernmental victim services program will achieve the desired objectives of the Violence Against Women Act of 1994;
 - 4) criminal justice and victim service agency surveys, which include information regarding service availability and the numbers of victims actually served, and the incidence of violent crimes against women (percentages as well as gross numbers);
 - 5) current research findings; and
 - 6) consultation with nonprofit, nongovernmental victim service programs.
- c) A State agency, unit of local government, or nonprofit, nongovernmental victim service program, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds

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pursuant to the requirements of the Violence Against Women Act of 1994 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, the State goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution.

- d) A State agency, unit of local government, or nonprofit, nongovernmental victim service program not so contacted by the Executive Director pursuant to subsection (c), shall, however, upon written request to the Executive Director, be included among those State agencies, units of local government, or nonprofit, nongovernmental victim service programs evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of federal funds pursuant to the Violence Against Women Act of 1994, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution. If the Executive Director determines that the State agency, unit of local government, or nonprofit, nongovernmental victim service program is not so eligible or so qualified, the Executive Director shall notify the State agency, unit of local government, or nonprofit, nongovernmental victim service program, within 45 days after receipt of the written request, that it will not be recommended for funding and the reasons for such recommendation. The State agency, unit of local government, or nonprofit, nongovernmental victim service program may submit a written request for reconsideration to the Chairman of the Budget Committee within 28 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.
- e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act, designate programs or projects, implementing program priorities specified by the Authority in subsection (a) above, consistent with the Violence Against Women Act of 1994. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

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- 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to subsection (d) above;
- 2) comments from the public, service providers and State and local officials;
- 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
- 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
- 5) the availability of funds;
- 6) the overall cost of the program or services; and
- 7) the requirement that a minimum of 25% of the funds received be distributed to each of the following: law enforcement, prosecution, and victim services.

f) Pursuant to Section 2002 of the Violence Against Women Act of 1994, the Application to the Violence Against Women Grants Office Bureau-of Justice-Assistance shall include a State implementation plan describing identified goals and how funds will be used to achieve those goals, and those certifications and assurances listed in Section 2002 of the Violence Against Women Act of 1994.

g) Upon notification by the Violence Against Women Grants Office Bureau of Justice-Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Amended at 21 Ill. Reg. 8909-3, effective JUN 27 1997)

Section 1520.48 Application and Receipt of other Federal Program Funds

- a) If required by the funding source or if federal program purposes would

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be furthered by doing so, the Authority shall select funding priorities which shall guide the funding process. Funding priorities may identify the types of eligible implementing agencies, federal program purpose areas, specific project types, or costs that shall be given consideration for funding. Funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.330), and shall be developed according to the following criteria:

- 1) if required by the funding source or if federal program purposes would be furthered by doing so, oral and written comment and testimony received at public meetings conducted in conformance with the Open Meetings Act;
- 2) comments from State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;
- 3) information, current research findings and surveys that are relevant to federal program purposes; and
- 4) analysis of the needs of eligible implementing agencies, the need to fund projects that cover federal program purposes and the need for items that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs.

b) The Authority shall review the purposes of federal program funds, other than those subject to Section 1520.40, 1520.46 or 1520.47, and make a determination, at a public meeting in conformance with the Open Meetings Act, as to whether a needs-based or competitive funding process would best meet the overall goals and objectives of the federal program. To make that determination, the Authority shall consider:

- 1) the requirements of the funding source, including:
 - A) the number, and types, of federal program purpose areas;
 - B) the number, and types, of implementing agencies eligible for funding;
 - C) the number, and types, of costs to which the funds may be applied; and
 - D) other conditions and restrictions imposed by the funding source, and State and federal law;
- 2) the immediacy of the need to spend the funds, including whether the funds are to be used to serve immediate and vital needs of persons or communities, and whether the length of time during which the funds must be spent is insufficient to allow for a competitive funding process;
- 3) the services currently available to meet the needs of the federal program; and
- 4) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities.

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c) If the Authority chooses to distribute the funds on a competitive basis as provided in subsection (b) above, then the Executive Director of the Authority shall develop a request for proposals (RFP) based on the following criteria:

- 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;
- 2) requirements imposed on the Authority and potential recipient implementing agencies by the funding source, and State and federal law;
- 3) the nature and complexity of federal program purpose areas;
- 4) the number and types of implementing agencies eligible to receive funds;
- 5) an analysis of need, as described in subsection (a)(4) above;
- 6) information, current research findings and surveys that are relevant to federal program purposes; and
- 7) demographic, medical, social science, criminal justice and statistical data that is relevant to federal program purposes.

d) RFPs developed pursuant to the criteria described in subsection (c) above shall include:

- 1) the purposes, goals and objectives of the federal program, and the types of projects that will be considered for funding;
- 2) requirements that implementing agencies receiving funds must meet, and adhere to, such as eligibility, reporting and fiscal requirements;
- 3) certifications required by the funding source, and State and federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications;
- 4) the criteria by which the Budget Committee or, at the Budget Committee's direction, the Executive Director of the Authority will select proposals for funding; such criteria shall be given an associated weight and shall include:

- A) the adequacy with which the proposed project reflects the purposes, goals and objectives of the federal program;
- B) whether the proposer is an eligible implementing agency as defined by federal program requirements;
- C) the technical merit of the project design, as reflected in the proposal received by the Authority;
- D) the qualifications of key personnel, as reflected in the descriptions or resumes that the proposer submitted to the Authority, if the nature of the projects that will be considered for funding calls for an assessment of such criteria;
- E) the sufficiency of the proposal's management plan, which includes an assessment of the methods by which the proposer will administer the project, both fiscally and programmatically, to achieve the goals and objectives of the project;

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- F) the proposer's capability to carry out the goals and objectives of the project in the manner reflected by the proposal received by the Authority;
 - G) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;
 - H) the proposer's history of administering projects similar to the one proposed and of receiving and managing federal program funds, if applicable; and
 - I) any additional criteria required by the funding source or that would further federal program purposes;
- 5) the deadline by which, and location where, proposals must be received by the Authority;
- 6) the total amount, and sources, of federal funding available for distribution through the RFP process, and the maximum amount of federal funding that eligible implementing agencies may apply for through the submission of an RFP;
- 7) any matching contribution requirements that shall be imposed upon implementing agencies that receive federal funds;
- 8) the anticipated time period of the projects which may be funded;
- 9) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities; and
- 10) any other information required by the funding source or that would further federal program purposes.

e) The Budget Committee, or, at the Budget Committee's direction, the Executive Director of the Authority, shall make designations as to specific projects, specific implementing agencies and funding amounts, based on the criteria set forth in the RFP, as described in subsection (d) above; Budget Committee designations shall be made, and Executive Director designations shall be reported, at public meetings conducted in conformance with the Open Meetings Act.

f) If the Authority chooses to distribute the funds using a needs based process, based on the criteria in subsection (b) above, then the Executive Director of the Authority shall make funding recommendations to the Budget Committee, which may include recommendations as to implementing agencies, projects, and costs that should be covered by federal program funds; the Executive Director's recommendations to the Budget Committee shall be based upon:

- 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;
- 2) analysis of the needs of types of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;
- 3) requirements imposed by the funding source, and State and

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federal law, on the Authority and potential recipient implementing agencies;

4) the nature and complexity of federal program purpose areas;

5) the number and types of implementing agencies eligible to receive funds;

6) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes; and

7) information, current research findings and surveys that are relevant to federal program purposes.

g) The Budget Committee shall make designations as to specific projects, specific implementing agencies and funding amounts; Budget Committee designations shall be made at public meetings in conformance with the Open Meetings Act and shall be based upon:

1) funding recommendations made by the Executive Director of the Authority according to subsection (f) above;

2) analysis of the needs of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;

3) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;

4) the period of availability of the federal program funds and the immediacy of the need to spend the funds, including whether federal program funds are to be used to serve immediate and vital needs of persons or communities that specific implementing agencies and specific projects could readily address;

5) the likelihood that a specific project type will achieve the overall goals and objectives of the federal program by: making an assessment of the adequacy with which a specific project type will meet the purposes, goals and objectives of the federal program; examination of the results of evaluations of existing similar projects; and analysis of results of tests or demonstrations that are relevant to the federal program's purposes, goals and objectives;

6) the effectiveness of a specific project type, by making an assessment of the manner in which a particular problem will be addressed by the project type;

7) administer a project and the overall costs of specific project types; and

8) the ability of a specific entity to secure alternate funding sources for the project once federal program funds are no longer

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available.

h) Pursuant to applicable federal legislation and guidelines, the Application to the funding source shall include all information, certifications and assurances that are required by the funding source.

i) Subsequent to notification by the funding source that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated to receive federal program funds pursuant to subsections (e) and (g) above, specifying the terms and conditions under which the projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Added at 21 Ill. Reg. 6909.3, effective

JUN 27 1997)

Section 1520.50 Administration of Federal Funds

a) All implementing agencies shall operate in conformance with the following state and federal laws, rules, regulations and guidelines, when applicable, hereby incorporated by reference: the--Justice Assistance-Act-of-1994; the Victims of Crime Act of 1984; the--State and--Local-Law-Enforcement-Assistance-Act-of-1996; the Anti-Drug Abuse Act of 1988; the Violence Against Women Act of 1994; the Office of Justice Programs' Financial Guide the--Office-of-Justice-Programs' Financial-and-Administrative-Guide-for-Grants-M7100-19-May-15-1990; the Office of Management and Budget Circular A-128 (50 FR 19114, effective April 12, 1985); the Office of Management and Budget Circular A-133 (61 FR 19133, effective April 30, 1996); the Illinois Grant Funds Recovery Act [30 ILCS 705]; the Illinois Purchasing Act [30 ILCS 505]; the State Comptroller Act [15 ILCS 405]; the U.S. Department of Justice, Bureau of Justice Assistance, Rules for Criminal Justice Block Grants (28 CFR 33.1 et seq., effective May 30, 1985); the U.S. Department of Justice Regulations Governing Criminal History Record Information Systems (28 CFR 20.1 et seq., effective December 6, 1977); the U.S. Department of Justice Regulations Governing the Confidentiality of Identifiable Research and Statistical

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Information (28 CFR 22.1 et seq., effective December 15, 1976); the Office of Justice Programs Victim Assistance Grant Program Final Program Guidelines (60 FR 55051 et seq., effective October 27, 1995); the Department of Justice Interim Final Program Guidelines for the Victims of Crime Act-Victim Assistance Grant Program (68 FR 24888 et seq., effective May 18, 1995); the Department of Justice Program Guidelines for the Drug Control and System Improvement Formula Grant Program (53 FR 52244 et seq., effective December 27, 1988); and the Department of Justice Program Guidelines for the STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women) (28 CFR 90 et seq., effective April 18, 1995); and any other federal legislation and guidelines that are applicable to federal program funds that the Authority administers. The laws, rules, regulations and guidelines incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within 28 days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within 28 days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the chairman of the Budget Committee or, in the event the chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Since an extension granted by the Executive Director

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pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

- d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than 28 days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

- e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

(Source: Amended at 21 Ill. Reg. 03, effective JUN 2 1997)

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310
- 3) Section Numbers: 2310.80
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].
- 5) Effective Date of Rulemaking: July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 6, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 3365 dated March 21, 1997
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

To fund its operations, the Authority charges institutions an Application Fee based upon the size of the loan. If the application is approved, the Authority collects an administrative charge at the closing of the loan, and assesses an Annual Fee. The Annual Fee is equal to 1.5/100 of one percent of the original amount of the loan during each year the loan is outstanding. On July 1, 1996, the Authority amended its regulations to reduce the Annual Fee from 2/100 of one percent to the current 1.5/100 of one percent of the original amount of the loan. For fiscal year 1997-98, the Authority amended its rules to maintain the rate of the Annual Fee, but to cap the Annual Fee at \$7,500. The reason for limiting the Annual Fee to \$7,500 is that, while the cost of providing services to an institution does bear some relation to the size of the financing, the Authority has determined that the annual cost of maintaining an issue on its books does not generally exceed \$7,500. Consequently, the amendment to the Annual Fee

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more accurately reflects the actual costs of administering the loan.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Thomas P. Conley, Executive Director
Address: Illinois Educational Facilities Authority
333 West Wacker Drive, Suite 2600
Chicago, Illinois 60606

Telephone: (312)781-6633

The full text of the Adopted Amendment begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 2310

FUNCTIONS AND PLANNING PROGRAM

Section

- 2310.5 Introduction
 2310.10 Who May Apply for Financing
 2310.20 Types of Educational and Cultural Facilities that can be Financed
 2310.30 Types of Costs that can be Financed: Outstanding Debt
 2310.40 Interest Rate on the Authority's Bonds
 2310.50 Method of Financing
 2310.60 Length of Bond Issue
 2310.70 Type of Bond Issue
 2310.80 Fees
 2310.90 Authority Bond Issues and Bond Ratings (Repealed)

EXHIBIT A
 Estimated Fee Schedule as Special Bond Counsel with Respect to
 Bonds Issued by Illinois Educational Facilities Authority
 (Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7898, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. 10336, effective July 1, 1996; amended at 21 Ill. Reg. 8566, effective _____.

Section 2310.80 Fees

- a) The Authority charges the following fees to participating institutions for the services it provides:

- 1) Application Fee - for processing an Application for Assistance. - An "Application Fee", based upon the following schedule, is payable upon submission of submitted-with an application and is not refundable:
- A) \$250.00 on issues up to but not including \$1,000,000 principal amount;
 - B) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and

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- C) \$1,000.00 on issues of \$5,000,000 principal amount and over.
 AGENCY NOTE: This fee will be credited to the Administrative Charge upon completion of the related bond financing.

- 2) Administrative Charge - for completing a bond financing. - An "Administrative Charge" equal to 1/4 of 1% of the principal amount of bonds issued or \$10,000, whichever is less - payable following the bond-closing minus the Application Fee paid, will be assessed at the closing of a financing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the fiscal year following the issuance of in which the bonds are issued.

- 3) Annual Fee - for servicing a bond financing for one during a fiscal year. - An "Annual Fee" will be assessed for each bond issue outstanding on July 1 of each year. For for Annual Fees annual fees coming due on or after July 1, 1997 1996, the Annual Fee shall be 1.5/100 of 1% of the original amount of the bond issue financing or \$7,500, whichever is less. The Annual Fee is payable in advance and is not refundable.

- b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 600

3) Section Numbers: Adopted Action:

600.10	Repealed
600.20	Repealed
600.30	Repealed
600.40	Repealed
600.50	Repealed
600.60	Repealed
600.70	Repealed

4) Statutory Authority: Implementing and authorized by Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3369

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being repealed because the Department of Energy and Natural Resources is no longer in existence. It is now a division of the Department of Natural Resources. The Department of Natural Resources is currently in the process of amending 4 Ill. Adm. Code 1000, Americans with Disabilities Act Grievance Procedure. Part 1000 will be the Department's administrative rule governing grievance procedures relating to the Americans With Disabilities Act.

16) Information and questions regarding this adopted repealer shall be

directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Fire Prevention and Safety
- 2) Code Citation: 41 Ill. Adm. Code 100
- 3) Section Numbers:
100.7 Adopted Action
100.110 Amend
100.110 Amend
- 4) Statutory Authority: Section 9 of the Fire Investigation Act [425 ILCS 25/9]
- 5) Effective date of the rules: July 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the amendments contain incorporations by references? Yes. The amendment references a document published by the National Fire Protection Association (NPPA) Standard #307 Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves- 1995 edition) as well as standards published in the Code of Federal Regulations.
- 8) Date filed in agency's principal office: July 15, 1997
- 9) Notice of proposal published in Illinois Register: January 24, 1997 (21 Ill Reg 1133)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: At 100.7(e)(5)(H) the Office amended the original proposal by adding language that requires permanently moored vessels to undergo drydock and internal structural examinations at intervals in accordance with Title 46 CFR 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes (No changes were indicated.)
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the rules: By this Notice of Adopted Amendments, the Office is updating Part 100.7 to address life safety aboard permanently moored vessels. The rules are being adopted as the result of notification to the Office of the State Fire Marshal by the United States

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- Coast Guard (USCG) that a vessel previously under USCG jurisdiction has received "permanently moored status." Such permanently moored status results in the USCG no longer holding jurisdiction over the vessel, and therefore no longer being responsible for fire and/or life safety on the vessel.
- This notification caused the Office to examine the applicable Life Safety Code published by the National Fire Protection Association as adopted by reference in the Part 100 rules. This examination revealed what the Office of the State Fire Marshal considers to be adequate criteria to offer general life safety and fire protection on the superstructure/occupied areas of a permanently moored vessel. However, the rules did not address the issue of the vessel's structural stability to support the occupancy contained thereon, and specifically, to remain afloat and upright. Furthermore, the OSFM believed that additional equipment and safety precautions are required when such permanently moored vessels are occupied for public assembly purposes.
- The Office of the State Fire Marshal considers the vessel's ability to remain afloat and upright to be critical to the issue of life safety. Furthermore, the Life Safety Code does not address the construction or fire protection of the terminal, pier or wharf at which the vessel is permanently moored. The Office of the State Fire Marshal likewise considers the stability and fire protection of the vessel's mooring to be critical to occupant's life safety.
- The amended rules reference standards from the Code of Federal Regulations that require permanently moored vessels to be designed, built and inspected in accordance with accepted industry practice to ensure safety. The referenced standards require certification of stability for passenger carrying capacity, compliance with one-compartment flooding criteria, and stability in the event of damage. Furthermore, these referenced standards include requirements for permanently moored vessels to undergo an annual survey to ensure the integrity of the vessel, including the condition of the hull and watertight bulkheads.
- Also, the rules have been modified from the original proposal to now require such permanently moored vessels to undergo drydock and internal structural examinations in accordance with schedules defined in referenced sections of the Code of Federal Regulations, or via other test criteria deemed acceptable by the United States Coast Guard as equivalently proving the hull's integrity. (Such methods may include underwater photography, ultrasound testing, radiography, etc. While none of these alternatives to drydocking are now listed within the Code of Federal Regulations as acceptable exam criteria, the USCG has informed the Office of the State Fire Marshal that evaluation of such alternative methods is currently on-going, and may result in acceptance of such alternative criteria without actually identifying or naming the methods within the Code of

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Federal Regulations). The OSFM intends to accept the same criteria that would be acceptable to the USCG for examination of fresh water vessels, and therefore is recognizing not only drydock testing, but also other alternative testing methods acceptable to the USCG for the purpose of drydock hull examination.

The amended rules also reference National Fire Protection Association Standard #307, Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition). This standard presents requirements for the construction, subdivision, and fire protection of the vessel's mooring location. The standard, available from the NFPA, addresses substructure and superstructure construction and protection features, as well as hydrant, hose connection, and water supply issues for piers and wharves.

The amended rules also require special safety precautions to be adhered to when the permanently moored vessel is occupied as a public assembly occupancy. (Public assembly occupancies, in accordance with definitions offered in the Life Safety Code, are those occupied by more than fifty occupants.) In such cases, the rules require that the vessel: 1) be equipped with an emergency generator capable of powering the vessel systems necessary to life safety; 2) be staffed by personnel trained to initiate firefighting and evacuation duties aboard vessels; and 3) in the event that the vessel is set adrift, be either capable of self-propulsion or serviced by a tugboat or tender capable of keeping the vessel at its dockside location.

Finally, the amended rules also contain grammatical and ILCS citation corrections to Section 100.110.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
312/814-2693

The full text of the Adopted Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100

FIRE PREVENTION AND SAFETY

Section	
100.1	Introduction
100.3	Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures
100.4	Building Construction Types
100.5	Fire Areas
100.7	Adoption of NFPA 101, Life Safety Code by Reference
100.110	Modification of <u>NFPA N-P-P-A- 101</u> (1985) for Existing Day Care Facilities and Programs

APPENDIX A Modification of Standards Referenced in NFPA 101

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. ~~13086~~, effective ~~September 20, 1996~~ June 1, 1995.

Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference

- a) For the purposes of subsections (b) and (c) of this Section:
- 1) "New facility" shall mean either a facility constructed after November 1, 1993, or any facility the occupancy (use) classification of which changes after November 1, 1993. Any alterations or installations of new equipment, either regulated by these rules or outlined in the Life Safety Code, shall be accomplished as nearly as practicable in conformance with the requirements for new construction.
 - 2) "Existing facilities" are those not classified as "new facilities" by subsection (a)(1) of this Section.
- b) Applicable to existing facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the "Code

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for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 1985 edition, Life Safety Code. This incorporation does not include any later amendments or editions.

- c) Applicable to any new facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the following provisions of the "Code for Safety to Life from Fire in Buildings and Structures" as published by National Fire Protection Association (NFPA 101) 1991 edition, Life Safety Code to the extent those provisions do not conflict with the provisions of this Part. This incorporation does not include any later amendments or editions.

- Chapter 1. Administration
- Chapter 2. Fundamental Requirements
- Chapter 3. Definitions
- Chapter 4. Classification of Occupancy and Hazard of Contents
- Chapter 5. Means of Egress
- Chapter 6. Features of Fire Protection
- Chapter 7. Building Service and Fire Protection Equipment
- Chapter 8. New Assembly Occupancies
- Chapter 10. New Educational Occupancies
- Chapter 12. New Health Care Occupancies
- Chapter 14. New Detention and Correctional Occupancies
- Chapter 16. New Hotels and Dormitories
- Chapter 18. New Apartment Buildings
- Chapter 20. Lodging or Rooming Houses
- Chapter 22. New Residential Board and Care Occupancies
- Chapter 24. New Mercantile Occupancies
- Chapter 26. New Business Occupancies
- Chapter 28. Industrial Occupancies
- Chapter 29. Storage Occupancies
- Chapter 30. Special Structures and High-Rise Buildings
- Chapter 31. Operating Features
- Chapter 32. Referenced Publications

- d) The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (1985 and 1991 Editions) is on file with the Office of the State Fire Marshal at the following locations:

1035 Stevenson Drive
Springfield, Illinois 62703-4259

State of Illinois Building
100 W. Randolph Street
Chicago, Illinois 60601

2209 West Main Street
Marion, Illinois 62959

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Copies are available for purchase from:

National Fire Protection Association
Batterymarch Park
Quincy MA 02269

- e) Modifications to the Life Safety Code

- 1) Child Care Facilities
 - A) Day Care Centers. Those facilities regulated under Chapter 10-7 (Day-Care Centers) of the Life Safety Code shall include only:
 - i) any facility licensed as a Day Care Center by the Department of Children and Family Services;
 - ii) any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;
 - iii) part day child care facilities, as defined in the Child Care Act of 1969.
 - B) Day Care Homes. Those facilities regulated under Chapter 10-9 (Family Day-Care Homes) of the Life Safety Code shall include only:
 - i) any facility licensed as a day care home by the Department of Children and Family Services;
 - ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This subsection does not affect facilities that receive only children from a single household.
 - C) Group Day Care Homes. Those facilities regulated under Chapter 10-8 (Group Day-Care Homes) of the Life Safety Code shall include only:
 - i) any facility licensed as a group day care home by the Department of Children and Family Services; or
 - ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.
- D) For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.
- 2) Child-to-Staff Ratios
 - Child-to-Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act of 1969. Any conflicting provisions of the Life Safety Code are

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inapplicable.

- 3) One- and Two-Family Dwellings Chapter 21 (One- and Two-Family Dwellings) is adopted as recommended guidelines only.
- 4) When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:

- A) Primary Means of Egress
 - i) If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1-hour, or
 - ii) The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes - 1994 edition.

- B) Secondary Means of Egress

If a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.

- 5) Permanently Moored Vessels

- A) Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code, the fire safety standards

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contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.

- B) A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire Marshal.

- C) The intact stability characteristics for each vessel must comply with the following criteria:

- i) 46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.
- ii) In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.

- iii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.

- D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.

- E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.

- F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.

- G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:

- i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;
- ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;
- iii) Inspection and report on the condition of the hull and watertight bulkheads;
- iv) Inspection and report on the condition of water tight

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doors and water tight bulkhead penetration; and
v) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.

This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.

H) Permanently moored vessels shall undergo drydock and internal structural examinations at intervals in accordance with Title 46 CFR 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.

I) Written documentation of compliance with the requirements of subsections (e)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.

J) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:

i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;

ii) At all times occupied by more than fifty occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties; and

iii) In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 100.110 Modification of NFPA N-7-P-A-7 101 (1985) for Existing Day Care

a) Definitions:

"Day Care Center" and programs are defined in Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09], ~~---(111)---Rev---Stat---1907---ch---237---Par---2212-097.~~

"Child Care Facility" is defined in Section 2.05 of the Child Care Act

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of 1969 [225 ILCS 10/2.05], ~~---(111)---Rev---Stat---1907---ch---237---Par---2212-057.~~

"Existing" means those already in existence on August 1, 1988, for the building area and number of clients on that date.

b) Existing Day Care Facilities and programs subject to inspection by the Office pursuant to the Child Care Act of 1969 [225 ILCS 10] ~~---(111)---Rev---Stat---1907---ch---237---Par---2212-et-seq-7,~~ and which provide care for children less than 24 hours per day, shall be inspected in accordance with Chapter 11 of NFPA N-7-P-A-7 101 (1985).

c) Child-to-Staff ratio shall comply with 89 Ill. Adm. Code 406 and 407 rather than NFPA N-7-P-A-7 101 (1985) Section 11-7.1.1.1.

d) Detection, alarm and communication systems for Day Care Facilities and programs shall comply with the following rather than the provisions of NFPA 101 (1985), Section 11-7.3.4.

1) Day Care Facilities and programs with 20 or more clients, or located above or below the level of exit discharge regardless of number of clients, shall be provided with a fire alarm system in accordance with NFPA 101 (1985) Section 7-6, and must adhere to the following ~~includ~~:

A) The facility must include a smoke detection system meeting the requirements of NFPA 72A (1985), with detectors installed:

i) on the uppermost ceiling of each interior stairwell, and on every level (including basements), except in unoccupied attics, and at the beginning and end of each corridor 200 or more feet in length, and

ii) in front of doors to stairwells and at intervals of no less than 30 feet in all corridors of all floors used by the child care facilities and programs, except in those facilities with smoke detection in every room off every corridor used by the child care facility and programs, ~~---and~~

B) Rate of rise/fixed temperature, fixed temperature, or other fire detectors (as described in NFPA 72A-E (1985)) shall be installed in boiler rooms, kitchens, and hazardous and combustible storage areas except where a sprinkler system with a flow alarm connected to the fire alarm system is installed in such rooms.

C) Initiation of the fire alarm system, including occupant and emergency force notification, shall be by manual means and by operation of any required detectors.

D) Occupant notification must be in accordance with NFPA 101 (1985) Section 7-6.3.7 ~~---and~~

E) Emergency force notification in accordance with NFPA 101 (1985) Section 7-6.4 (a)-(d) must be provided where the day care facilities and programs have 100 or more clients or are

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of a construction type that would require a sprinkler system based upon NFPA 704-101 (1985) Section 11-7.1.6.1 (see subsection (e) below for new table), except where all rooms occupied by the Day Care Facilities and programs have a direct exterior exit.

F) Day Care Facilities and programs existing on August 1, 1988 shall install the new alarm system by January 1, 1991 and maintain the fire alarm systems required by prior rules until the new systems are installed.

2) Day Care Facilities and programs with up to 19 clients shall have:

A) Smoke detectors meeting the requirements of NFPA 72 A-E or 74 (1984). ~~Installed as follows: If NFPA 74 Type detectors are used, they must be powered by the building electrical service. Detectors must be installed as follows:~~

- i) within 15 feet of each room used for sleeping purposes, ~~and~~
- ii) at least one detector on each story or level of the facility, including basements but not including unoccupied attics, ~~and~~
- iii) at the uppermost ceiling of each interior stairwell, except in fire resistive structures (NFPA 220 (1979) type I and type II (222) Construction types).

iv) one detector at the beginning and one detector at the end of each corridor 200 or more feet in length in any story occupied or used by the Child Care Facilities and programs, including basements.

v) ~~If NFPA-74--type--detectors--are--used, they--must--be powered--by--the--building--electrical--service--~~

B) A telephone which is available, without the use of coins or unlocking devices, to call the fire department, or emergency force notification in accordance with NFPA 101 (1985) Section 706.4.

C) The smoke detectors shall be installed by January 1, 1990. Table 11-7.1.6.1 is modified to eliminate the requirement for automatic sprinkler systems in one and two story day care centers based solely upon the construction type. For facilities with fewer than 100 clients, the appropriate table is:

Type of Construction	Age Group	Below LED	LED
I (443)	0-5	F.A.	X
I (332)	6 & above	F.A.	X
II (222)			
II (111)	0-5	F.A.	X

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III (211) V (111)	0-5	F.A.	X
IV (2HH)	0-5 6 & above	F.A. F.A.	X X
II (000)	0-5 6 & above	F.A. F.A.	X X
III (200) V (000)	0-5) 6 & above	F.A.F.D. F.A.F.D.	F.A.F.D. X

Stories
1 Above
2 3 & above

F.A.
F.A.

F.A.F.D.
F.A.

N.P.
S. & F.A.

N.P.
N.P.

N.P.
N.P.

N.P.
N.P.

N.P.
N.P.

N.P.
N.P.

N.P.
N.P.

N.P.
N.P.

N.P.
N.P.

f) Child Care Facilities and programs existing on August 1, 1988 four feet or less below grade (or those considered four feet or less below grade) shall not be considered as a story below the level of exit discharge in applying Section 11-7.1.6.2 of NFPA 101 (1985). Also see

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Section 11-7.2.4.2.

- g) Door closures on corridor doors required by NFPA 101 (1985) Chapter 5, shall be installed by January 1, 1990 or, each room without a required door closure shall have a smoke detector, meeting the requirements of NFPA 72 A-E installed in each room without a door closure in addition to the required fire alarm system.

(Source: Amended at 21 Ill. Reg. 8932 = -, effective

JUL 15 1997)

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- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) Section Numbers: Adopted Action
170.150 Amend
170.310 Amend
- 4) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) Effective date of the rules: July 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the amendments contain incorporations by references? No. The proposed amendments update references to the current editions of several previously referenced standards published by the National Fire Protection Association and Underwriters Laboratories, but do not propose to incorporate any other standards.

- 8) Date filed in agency's principal office: July 15, 1997

- 9) Notice of proposal published in Illinois Register: February 28, 1997 (21 Ill. Reg. 2800)

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes (No changes were indicated.)

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of the rules: By this Notice of Adopted Amendments, the Office is updating Part 170.150 and 170.310 to 1) recognize updated editions of standards referenced by the rules from the National Fire Protection Association and Underwriters Laboratories; 2) allow the permitting of unattended self-service stations in counties with greater than 1,000,000 population; and 3) recognize, within Section 170.150, the existence of unattended self-service station permits.

The amendment resulted from several issues:

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Section 170.150 previously prohibited the dispensing of fuels by other than the owner or employee of the owner of a service station, unless that station holds a valid self-service permit issued by the Office of the State Fire Marshal. The section did not address the fact, that since 1987, unattended self-service facilities have been permitted to operate in Illinois if holding a valid unattended self-service permit from the Office of the State Fire Marshal. The amendments recognize the process defined within Section 170.310 for operation of an unattended self-service gasoline station.

The Part 170.310 rules reference several published standards of the National Fire Protection Association and Underwriters Laboratories. These referenced standards are updated and re-published by these organizations on a regular basis. The Office of the State Fire Marshal had not, however, updated the editions referenced by the 170.310 rules since the original passage of the rules in 1987. Some of the referenced standards have changed titles and/or numbers, or were improperly referenced originally. Others were no longer in-print, and thus were unavailable to the general public. The adopted amendments therefore, ensure that the correct standards, including the latest published editions of the standards, are referenced.

The adopted amendments also serve to recognize that fuel dispensing nozzles at sites required to be equipped with fuel vapor-recovery equipment, by virtue of their design, may need to be exempted from certain previously required criteria, including the requirement for the existence of a spring and/or wire to hold dispensing nozzles in gas tanks while fueling.

The Part 170.310 rules previously prohibited the permitting of an unattended self-service station in counties with populations of greater than 1,000,000. (As of this date, only Cook County in Illinois has a population of greater than 1,000,000). It is unclear why this prohibition was originally included in the 170.310 rules. One possibility is an effort to limit the location of unattended facilities to primarily rural areas over concerns that fire incidents at such facilities would present exposure problems to adjacent buildings. Since allowing the operation of unattended self-service stations in 1987, the OSFM has had no record of a fire emergency at any permitted unattended self-service station. The OSFM cannot therefore, justify the prohibition of an unattended self service station within a county of greater than 1,000,000 population, based on fire occurrence or fire loss statistics relative to such permitted facilities elsewhere.

Also, the previous rules raised obvious problems relative to growing population of counties where unattended self-service stations were currently permitted. The Office of the State Fire Marshal has issued permits for the operation of unattended self-service stations in counties

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where the population will soon challenge the 1,000,000 mark. Specifically in DuPage and Lake counties of Illinois. In accordance with the Part 170.310 rules prior to these amendments, permitting, and therefore operation of, such unattended service stations in counties of greater than 1,000,000 population was prohibited. The agency was therefore faced with the possibility of revoking permits to operate such unattended self service stations from facilities that had exhibited no fire safety violations or hazards, simply by virtue of the increased population of the county in which they were located.

The agency is therefore amending the rules to remove the prohibition against the operation of such unattended self-service station facilities in counties with populations of greater than 1,000,000. It should be noted that local enforcement agencies will retain the right to promulgate local rules continuing to prohibit the operation of such unattended self-service stations within their jurisdiction should they deem it necessary.

Finally, the Office is amending the language of Section 170.310(a)(4)(B) pertaining to the requirements for installation of a fire detection system combined with portable fire extinguishers as an alternative to a fire suppression system at an unattended self-service station. The amendments serve to better recognize current fire protection design methods, and specifically to recognize that a full weather enclosure or canopy may not be required to ensure proper detection system operation, if documentation is submitted relative to the design of the detection system.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

The full text of the Adopted Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
170.80	Unloading Operations
170.90	Pumps (Repealed)
170.91	Labeling of Containers and Pumps
170.100	Piping (Repealed)
170.105	Approval of Plans (Repealed)
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108	Pressure Testing (Repealed)
170.110	Building
170.115	Safe Heat Required
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TABLE A Schedule for Phase-in of Release Detection
 TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill.

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Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 5468, effective July 1, 1997.

SUBPART A: MISCELLANEOUS

Section 170.150 Self-Service -- No Self-Service Without Permit; Procedures and Regulations

- a) Except at service stations which hold a current and valid self-service permit permits issued pursuant to subsection (c) of this Section by the State Fire Marshal, or a current and valid self-service permit issued pursuant to Section 170.310 by the State Fire Marshal, no person other than an owner of a service station, or an employee of such owner, shall use or operate any motor fuel dispensing equipment at any service station. No owner of a service station shall permit any person to violate the provisions of this rule.
- b) Definitions -- As used in this Part, the terms specified in this paragraph have the meanings ascribed to them in this paragraph:
 - 1) The term "service station" means any place of business where Class I, II or III liquids or other fuels are sold or offered for sale at retail, or dispensed into the fuel tanks of motor vehicles or internal combustion engines or portable containers.
 - 2) The term "self-service station" shall mean that portion of property of a service station where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant.
 - 3) The term "self-service dispensing device" means any device for the dispensing of Class I, II or III liquids into the fuel tanks of motor vehicles.
 - 4) The term "owner" shall mean any individual(s) or legal entity holding title, lease, license or any interest in a service station or self-service station. The legal name, residence, address and county of any individuals who are owners shall be filed with the Office of the State Fire Marshal.
 - 5) The term "attendant" shall mean the owner or any person who is employed by an owner of a service station to dispense motor fuel at such service station.
- c) Self-Service Station Permits
 - 1) Self-service station permits shall be issued by the Office of the State Fire Marshal, upon written application on forms established by the Office, accompanied by complete, detailed plans, in triplicate, for each service station sought to be used for self-service showing compliance with 41 Ill. Adm. Code 160, 170, 180 and 100. Such plans shall be drawn to scale, and shall

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include the following:

- A) Lot lines and dimensions.
- B) Building lines and dimensions.
- C) Location and size of tanks and pump island.
- D) Location of control station.
- E) Type, make, model and location of dispensing devices or equipment.
- F) Fire extinguisher locations.
- G) Clearances.
- 2) No construction of a self-service station or modification of an existing service station to conduct self-service business shall be commenced until such application and plans are given written approval by the Office of the State Fire Marshal. No such station shall open for business until inspected and approved by the Office of the State Fire Marshal, and until the Office of the State Fire Marshal issues a self-service station permit, which must be prominently displayed at all times at such self-service station. Approval for self-service will be granted upon compliance with all rules and regulations in 41 Ill. Adm. Code 100, 160, 170 and 180.

d) The following rules shall be followed at all self-service stations, and violation of any said rules shall constitute good and just cause for suspension or revocation of a self-service station permit by the State Fire Marshal:

- 1) All self-service dispensing devices which are available for public use must be under the control of an attendant at all times except as allowed in subsection Section 170-150 (d)(3) of this Section (Fleet Operations).
- 2) No new dwelling unit or sleeping facilities of any kind for the owner, attendant or any person shall be permitted at a self-service station. This does not include dormitory facilities for use of drivers at truck stops, provided that such dormitories are in compliance with the applicable provisions of 41 Ill. Adm. Code 100. If the building under which lies a basement, cellar or excavation is removed, the basement, cellar or excavation shall be filled in prior to construction of any new building over the basement, cellar or excavation.
- 3) Dispensing of Class I, II or III liquids at locations not open to the public does not require an attendant or supervisor. Such locations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business (such as fueling of delivery trucks). However, this shall not include private fraternal clubs or associations. Vehicles served by these unattended self-service facilities must have common or corporate ownership with the service station and must be fueled by employees of the business owning such facility or vehicle to comply with this rule.

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- 4) Dispensing devices for motor fuel shall not be installed, modified or used without prior written approval of the Office of the State Fire Marshal. Approval will be granted upon proof of meeting the requirements of this part. Dispensing devices may be modified provided that the modifications made are in compliance with this part. Modification proposals shall contain a description of the components to be used in the modification and the recommended methods of installation on specific dispensers and it must be made available to the Office of the State Fire Marshal prior to installation.
- 5) All dispensing of Class I, II or III liquids, by a person other than the service station attendant, must be under the supervision and control of an attendant. Unattended card, key, or code operated devices are prohibited at service stations open to the general public, and not designated as fleet self-service.
 - A) The dispensing nozzle must be an automatic closing type which has been tested and meets the requirements of Underwriter's Laboratories Standard #842 (1982).
 - B) Any self-service dispensing devices equipped with pre-pay capability in which the flow of product is normally stopped by means other than by the closure of the nozzle valve shall further comply with either one of the following:
 - i) The system shall be provided with equipment with a feature that causes or requires the closing of the nozzle valve before product flow may be resumed or before the nozzle can be replaced in its normal position in the dispenser, or,
 - ii) the nozzle valve latch-open device shall be removed.
- 6) Rebuilt hose nozzles may be used on approved dispensing devices provided they meet UL 842 (1980).
- 7) It shall be the responsibility of the attendant:
 - A) To carefully observe the dispensing of Class I liquids into portable containers,
 - B) Control sources of ignition,
 - C) Immediately notify local fire authorities of any product spilled,
 - D) Eliminate ignition sources,
 - E) Take other appropriate actions to prevent ignition of accidental spills,
 - F) To refuse service to any customer who appears to lack the ability to properly and safely utilize the equipment (e.g., intoxication), inability to place the nozzle in the gas tank receptacle, inability to follow written or oral instructions of the attendant, and whether the person is too young to be aware of the hazards and safe dispensing of motor vehicle fuels,
 - G) Inspect all portable containers for conformance to Illinois Statutes and these rules.

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- i) All portable containers for gasoline or benzol used in the retail trade, shall be red and shall be labeled "gasoline" or "benzol" as the case may be, in letters of a height of not less than one-half inch, and it shall be unlawful in such retail trade, or anything pertaining thereto to put gasoline or benzol into portable containers of any other color than red and not labeled as required by these rules or to use portable containers not complying with these rules.
- ii) No person shall put any other liquids or oils except gasoline or benzol in such containers used for gasoline or benzol, or such containers as are painted red.
- iii) Kerosene must be placed in blue containers, and no other products may be placed in blue containers.
- H) When dispensing Class I, II, or III liquids into portable containers, the following precautions shall be observed:
 - i) Containers shall not be filled while located inside the passenger compartment or trunk of a vehicle.
 - ii) Hose nozzle valves shall be manually held open during the dispensing operation and hold open devices shall not be used.
- I) An approved portable container for Class I liquids shall be any container which meets the specifications of Underwriters Laboratories Standard #30 (1983) or which has been tested and has met the test criteria of ANSI-ASTM D3435-83 (1983) and all other ANSI-ASTM tests referred to therein, documentation of such testing and the results thereof must be submitted by the manufacturer to the Office of the State Fire Marshal for approval, before such portable containers may be marketed or used in the State of Illinois.
- 8) Two 4A-60BC rated fire extinguishers shall be provided. One shall be located at or near the control station and the other readily available for emergencies. Such extinguishers shall be plainly marked, be protected from the weather, and be maintained in operable condition and available at all times when the self-service station is open to the public. Such fire extinguishers shall carry the testing and listing label of Underwriters Laboratories, Factory Mutual Engineering, or the United States Coast Guard for their intended use. All employees of the self-service station shall be thoroughly instructed as to the location and proper use of such extinguishers, and shall, upon request, demonstrate their ability to use the extinguishers to representatives of the Office of the State Fire Marshal.
- 9) Signs, giving instructions for the operation of gasoline equipment, must be conspicuously posted on each gasoline pump island where self-service is offered:
 - A) Self-Service Island "Warning" ¹

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a service station is to be operated as an unattended station during any portion of a day it will be deemed as requiring a permit for unattended operation and must meet such standards. Plans of the premises shall be submitted as required by Section 170.105.

a) Equipment required for an unattended self-service permit:

- 1) Dispenser control device (actuators and monitors) for use by customers to activate dispensing equipment.
 - A) Devices may use currency, coins, keys or cards to activate dispenser and pumps.
 - B) Card devices shall use magnetically coded, optically read or inductive coil cards to be inserted in a device to activate the pump.
 - C) All dispenser control devices must meet the standards of UL 1238 (1992) ~~†1978†~~ and shall be installed and maintained in accordance with the manufacturer's instructions. All wiring shall comply with NFPA 70 (1996) ~~†1984†~~, Chapter 5.
 - D) Motors of pumps to dispensing devices shall not have electrical current supplied to them unless and until the dispensing device is activated. The electric current to the motors of the pumps shall automatically terminate and not more than ~~three-†~~ 3† minutes after the flow of product has ceased. Electrical current to the pump motors shall be off at all other times.
- 2) Dispensing devices, remote pumps and hose nozzle valves must comply with this Part 7 and the following rules:
 - A) Hose nozzles must meet the standards of UL 842 (1993) ~~†1988†~~ and:
 - i) Nozzles must be equipped with devices (e.g., wire or a spout anchor spring) designed to retain the nozzle spout in the vehicle fill pipe while refueling. Such devices must be in compliance with (UL) Standard 842 (1993) ~~†1988†~~, or be approved by Factory Mutual, as part of the nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations. Vacuum assist and balanced type vapor recovery nozzles prohibited from having such wire or spout anchor springs as the result of their design shall be exempt from this requirement.
 - ii) An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the nozzle assembly, and must meet UL 842 (1993) ~~†1988†~~.
 - iii) Hose nozzle valves shall be of the type which will close automatically, independent of the latch-open device, upon loss of pressure in the dispensing system and in which the latch-open device may only be engaged

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- when the dispensing system is under pressure.
- iv) The nozzle must be designed and maintained to cease the flow of product if the nozzle falls from the fill pipe of the motor vehicle being fueled to the ground, as described in UL 842 (1993) ~~†1988†~~-Section-15.
 - B) Remote pumps serving dispensing devices shall meet the standards of UL 79 (1992) ~~†198†~~ and shall be equipped with a leak detection device in accordance with paragraph 4-3.3 of NFPA 30A (1996) ~~†1984†~~ and shall be installed and maintained in accordance with the manufacturer's instructions.
 - C) Dispensing devices shall meet the standards of UL 87 (1990) ~~†198†~~ and the following rules:
 - i) Devices shall be equipped with a secondary control means in accordance with Paragraph 4-2.3 of NFPA 30A (1996) ~~†1984†~~.
 - ii) Devices served by remote pumps shall be equipped with an emergency shut-off valve meeting the standards of UL 842 (1993) ~~†1988†~~ and which shall comply with paragraph 4-3.6 of NFPA 30A (1996) ~~†1984†~~.
 - iii) Devices shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.
 - iv) Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.
 - v) Devices shall be wired in accordance with Chapter 5 of NFPA 70 (1996) ~~†1984†~~ and shall be installed and maintained in accordance with the manufacturer's instructions.
 - vi) An emergency breakaway device shall be installed on each hose at all dispensing devices available for self service of Class I, II and III liquids. The breakaway device shall be designed to retain liquid on both sides of the breakaway point, and shall be installed and maintained in accordance with the manufacturer's recommendations.
 - 3) Emergency Electrical Controls shall be provided and shall comply with the following rules:
 - A) A Master Electrical shut-off switch or circuit breaker shall be provided at a location not less than 20 feet from the nearest nor more than 100 feet from the farthest dispensing device for unattended self-service and shall:
 - i) Be visible from all unattended self-service dispensing device locations on the premises. If installation of a single switch or circuit breaker does not achieve compliance with this visibility requirement, duplicate switches or circuit breakers shall be required by the

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- Office to achieve compliance.
- ii) Terminate electric power to all dispensers, pumps and dispenser control devices on the premises, including neutral conductors and low voltage control wiring.
 - iii) Be of such a type or installed in such a way, that it may only be reset manually with a key which shall be kept in the custody of the unattended self-service station owner or an employee of the owner or, alternatively, the resetting device shall be kept in a secured area accessible only by key or other device which is kept solely in the custody of the owner or employee of the owner. (Club members, card holders and other persons utilizing the station may not have access to the mechanism necessary to the resetting of the master electrical control.)
- B) In addition to the Master Electrical Shut-off required in subsection (a)(3)(A) above, additional emergency electrical controls shall be provided at each group of dispensers or pumps served by a single dispenser control device. Such additional controls may, at the option of the owner be an integral part of the dispenser control device assembly. The device shall, when activated, terminate all electrical power to all dispensing devices or pumps which are served by that dispenser control device. Stations with only one island may elect to utilize only a master electrical control located at the dispenser control device meeting the requirements of subsection (a)(3)(A) above.
- C) The emergency electrical controls required by this section shall, at all times, be identified by a sign constructed of all weather material which shall state, in letters not less than 1" in height, "EMERGENCY SHUT OFF SWITCH". Lettering shall contrast with the background material of the sign. The sign shall be mounted in place with the bottom of the sign not less than five-4 5 feet above the ground.
- D) Resetting the Master Electrical Shut-off required by this Section shall be accomplished only after the condition which caused it to be activated has been corrected.
- E) Power for illumination of dispensing areas required by this Section shall not be affected by activation of any of the Emergency Electrical Controls.
- F) Activation of a Master Electrical Shut-off shall transmit an alarm as required in subsection (a)(4)(A)(iii) and subsection (a)(4)(B)(iv) below.
- G) A sign shall be placed at or near the Master Electrical Shut-off stating that activation of the Master Electrical Shut-off "transmits a fire alarm to the fire department".
- 4) Fire detection, control and suppression equipment must meet

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- either (A) or (B) of the following (note: local governments may require option A or option B):
- A) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression system(s) meeting the standards of UL 1254 (1992) (1985)-UB-388-A-(1982) and NFPA 17 (1994) (1985). If a fire suppression system meeting these requirements is installed, no fire extinguishers are required. In the event of a fire suppression system discharge, the fuel dispensing facility shall not be returned to service until the suppression system is recharged and fully operational in the area protected by the system. The fire suppression system shall:
- i) automatically activate the Master Electrical Shut-off.
 - ii) sound a local alarm notification device audible throughout the dispensing area and meet the standards of NFPA 726 (1996) (1985).
 - iii) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one-of-the-following: NFPA 72 (1996) 71 (1985)-NFPA-72B-(1979)-NFPA-72C-(1985)-or-NFPA-72B (1979).
 - iv) include extinguishing agent discharge nozzles mounted above dispensers, and at or near ground level to discharge agent underneath vehicles being fueled. Suppression systems that are not listed by UL for ground level discharge should have ground level discharge nozzles installed by January 1, 1987; overhead nozzles shall be installed prior to issuance of a permit.
- B) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall be equipped with portable fire extinguishers and have a fire detection system located under a weather enclosure (canopy) (unless written documentation is submitted verifying that the detection system will operate properly without such a canopy). and ~~hand-held-portable-fire-extinguishers-which-shall:~~
- i) The system shall detect a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors, and the installation must meet the requirements of NFPA 72 (1996) 72B-(1982).
 - ii) Activation of the system shall automatically activate the Master Electrical shut-off.
 - iii) Activation of the system shall cause the sounding of sound a local alarm notification device audible

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throughout the dispensing area and meeting meet the standards of NFPA 72 (1996) 726--(1985).

iv) Activation of the system shall cause the automatic transmission of automatically-transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one-of-the-following: NFPA 72 (1996). Fire 71-(1985)--NFPA--72B--(1979)--NFPA--72B (1985)--or--NFPA--72B-(1979)-----if-an-automatic-fire suppression---system---is---not---installed;---fire extinguishers meeting the requirements of Section 170.145 shall be installed and maintained at each island and at the master electrical shut-off. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass or other act(s) which could injure users attempting to access the extinguishers; doors, panels and local alarm systems may be provided at the owner's option.

5) At all times instructions shall be posted in all weather materials by each actuator. These instructions shall be mounted not less than four feet nor more than six feet six inches from the bottom of the sign to the ground, and give the following information in letters not less than 1" in height:

- A) No smoking.
- B) Turn off engine.
- C) Containers for gasoline must be red.
- D) Containers for kerosene must be blue. It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene. All containers must be metal or stamped with the marking "Conforms to or meets ANSI/ASTM D3435-83", or "UL" or "FM".

E) In case of fire or spill use emergency shut-off (or stop) button located at (owner must insert the locations of the emergency shut-offs); Master Electrical Shut-off transmits fire alarm to fire department.

b) Inventory records must be maintained and available for inspection by personnel of the Office. Applications for unattended self-service shall contain the name(s), address(s) and telephone number(s) of the person(s) the Office can contact for the inventory emergency reconciliations.

- 1) Emergency reconciliations shall be available on two hours notice by telephone or in person.
- 2) Records must be maintained showing the date, time of purchase (or delivery), amount of product, type of product, and name (or account number which can identify a name) for other than coin and currency sales for each purchase or delivery of product. Records must be maintained for one year and be available in the same

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manner as inventory records. These records may be maintained electromagnetically, provided that the owner or operator can provide a printout when requested.

c) Dispensing devices or actuators must limit the delivery of product in such a manner as to require the reactivation of the latch open (hold-open) device to the following:

1) Motor vehicle fuels (Class I, II and III)
A) Class I liquids (gasoline, gasahol, ethanol, motor fuel blends) - maximum 50 gallons.

B) Class II and III liquids (diesel fuel) - maximum 250 gallons.

2) Kerosene (grade K-1 only) - 6 gallons.

3) Other Class I, II and III liquids - 6 gallons.

d) When kerosene is to be dispensed at unattended service stations, only grade K-1 kerosene shall be dispensed. All dispensing shall be from underground tanks. Kerosene dispensers shall not be located on the same island with other Class I, II or III liquids. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65].

e) The Office of the State Fire Marshal shall, for failure to comply with these rules, for violation thereof, or for violation of any applicable federal, state or local laws, statutes, ordinances, rules or regulations, refuse to issue, refuse to renew or suspend or revoke an unattended a self-service station permit. The Office of the State Fire Marshal shall revoke such permit for flagrant, repeated and/or serious violations of these rules. The Office of the State Fire Marshal shall serve notice of such refusal, suspension or revocation on the applicant for or holder of such permit by personal service or by certified or registered mail. The applicant for or holder of such permit may, within 10 days after notice of such refusal, suspension or revocation is served, file in the Office of the State Fire Marshal written request for a hearing. Such hearings shall be governed by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]. Any order or decision made by the Office of the State Fire Marshal based upon such hearing shall be an "administrative decision" within the meaning of the Administrative Review Law [735 ILCS 5/Art. 3].

(Source: Amended at 21 Ill. Reg. 8963-1, effective

July 1, 1997)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers:

Appendix D	Adopted Action:
Appendix E	Amendment
Appendix F	New
Appendix G	New
Appendix H	New
Appendix I	New
- 4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3] and Public Act 89-554
- 5) Effective Date of Rulemaking: July 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 27, 1997
- 9) Notice of Proposal Published in Illinois Register: March 14, 1997, Issue 11, Page 3023.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

Struck "UPIN's" and added "UPINS" in lines 149 and 172. Changed "UPIN's" to "UPINS" in lines 305, 324, 405 and 409. Changed "15" to "1" in lines 206, 219, 249, 340, 352, and 364.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments provide for the removal of invalid record expansion information in Appendices D and E. In addition, the amendments provide the agency with authority to collect outpatient surgical data from hospitals and ambulatory surgical treatment centers in a pilot and field test in Appendices F, G, H and I.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Norman Roughley
 Supervisor, Health Care Industry Relations
 Information Services Division
 Illinois Health Care Cost Containment Council
 4500 South Sixth Street Road, Suite 215
 Springfield, Illinois 62703-5118
 217/786-7001, extension 108

The full text of the Adopted Amendments begin on the next page:

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510

DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicaid Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	Format of the Financial Data Report
2510.85	Hospital Review
2510.90	Financial
APPENDIX A	Illinois Health Care Cost Containment Council Annual Data Report
APPENDIX B	UB-82 Magnetic Media Record Format
APPENDIX C	UB-82 Uniform Bill Data Fields
APPENDIX D	UB-92 Magnetic Media Record Format
APPENDIX E	UB-92 Uniform Bill Data Fields
APPENDIX F	Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form
APPENDIX G	Ambulatory Surgical Data Fields Option 1/UB92 Form
APPENDIX H	Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form
APPENDIX I	Ambulatory Surgical Data Fields Option 2

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994;

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amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3277, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6964, effective

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Section 2510. APPENDIX D UB-92 Magnetic Media Record Format

Beginning-August-1997-all-hospitals-may-use-the-following-format-for-submission to-the-Council--Beginning-November-1997-all-hospitals-must-use-this-format-for submission-to-the-Council.

HEADER RECORD				
DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	LENGTH TO	PICTURE
1	Hospital ID Number (Medicaid Provider Number)	1	12	12A
2	Hospital Name	13	52	40A
3	Hospital Street Address	53	92	40A
4	Hospital City	93	112	20A
5	Hospital Zip Code	113	117	5A
6	Contact Person	118	157	40A
7	Telephone Number	158	167	10A
8	Period Covered First Day	168	173	6N
9	Last Day	174	179	6N
10	Filler	180	9+5	736A
			800	621

Beginning-August-1997-all-hospitals-may-use-the-following-format-for-submission to-the-Council--Beginning-November-1997-all-hospitals-must-use-this-format-for submission-to-the-Council.

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LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
1	Patient Date of Birth	14	1	8	8N	MMDDCCYY
2	Patient Sex	15	9	9	1A	A
3a	Patient Zip Code	13	10	14	5N	Unknown-00000 Foreign-99999
3b	ZIP PLUS 4	13	15	18	4A	Blank Fill IF NO NUMBER
4a	1st Individual Payer ID Number	50a	19	27	9A	Left justify, space fill right
4b	2nd Individual Payer ID Number	50b	28	36	9A	Left justify, space fill right
4c	3rd Individual Payer ID Number	50c	37	45	9A	Left justify, space fill right
5	Date of Admission	17	46	51	6N	MMDDYY
6	Source of Admission	20	52	52	1N	N
7	Type of Admission	19	53	53	1N	N
8a	Type of Bill	4	54	56	3N	N
8b	Discharge Date	6	57	62	6N	MMDDYY
9a	Principal Diagnosis	67	63	68	6A	Left justify, space fill right no decimal
9b	1st Other Diagnosis	68	69	74	6A	Left justify, space fill right no decimal
9c	2nd Other Diagnosis	69	75	80	6A	Left justify, space fill right no decimal

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
9d	3rd Other Diagnosis	70	81	86	A	Left justify, space fill right no decimal
9e	4th Other Diagnosis	71	87	92	A	Left justify, space fill right no decimal
9f	5th Other Diagnosis	72	93	98	A	Left justify, space fill right no decimal
9g	6th Other Diagnosis	73	99	104	A	Left justify, space fill right no decimal
9h	7th Other Diagnosis	74	105	110	A	Left justify, space fill right no decimal
9i	8th Other Diagnosis	75	111	116	A	Left justify, space fill right no decimal
10a	Procedure Coding Method Used	79	117	117	N	
10b	Principal Procedure	80	118	124	A	ICD-9-CM = 99V99bbb
10c	Principal Procedure Date	80	125	130	N	MMDDYY
11	Patient Status	22	131	132	N	
12a	1st Other Procedure	81a	133	139	A	ICD-9-CM = 99V99bbb
12b	1st Other Procedure Date	81a	140	145	N	MMDDYY
12c	2nd Other Procedure	81b	146	152	A	ICD-9-CM = 99V99bbb
12d	2nd Other Procedure Date	81b	153	158	N	MMDDYY

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
12c	3rd Other Procedure	81c	159	165	A	ICD-9-CM = 99V99bbb
12f	3rd Other Procedure Date	81c	166	171	N	MMDDYY
12g	4th Other Procedure	81d	172	178	A	ICD-9-CM = 99V99bbb
12h	4th Other Procedure Date	81d	179	184	N	MMDDYY
12i	5th Other Procedure	81e	185	191	A	ICD-9-CM = 99V99bbb
12j	5th Other Procedure Date	81e	192	197	N	MMDDYY
13a	1st Revenue Code	42a	198	201	N	Right justify, zero fill left
13a	Units of Service	46a	202	208	N	Right justify, zero fill left
13i	Charges	47a	209	218	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13b	2nd Revenue Code	42b	219	222	N	Right justify, zero fill left
13b	Units of Service	46b	223	229	N	Right justify, zero fill left
13b	Charges	47b	230	239	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13c	3rd Revenue Code	42c	240	243	4	N
13c	Units of Service	46c	244	250	7	N
13c	Charges	47c	251	260	10	N
13d	4th Revenue Code	42d	261	264	4	N
13d	Units of Service	46d	265	271	7	N
13d	Charges	47d	272	281	10	N
13c	5th Revenue Code	42e	282	285	4	N
13c	Units of Service	46e	286	292	7	N
13c	Charges	47e	293	302	10	N
13f	6th Revenue Code	42f	303	306	4	N
13f	Units of Service	46f	307	313	7	N
13f	Charges	47f	314	323	10	N
13g	7th Revenue Code	42g	324	327	4	N
13g	Units of Service	46g	328	334	7	N
13g	Charges	47g	335	344	10	N
13h	8th Revenue Code	42h	345	348	4	N
13h	Units of Service	46h	349	355	7	N
13h	Charges	47h	356	365	10	N
13i	9th Revenue Code	42i	366	369	4	N
13i	Units of Service	46i	370	376	7	N

Right justify, zero fill left	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation	Right justify, zero fill left	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation	Right justify, zero fill left	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation	Right justify, zero fill left
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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13i	Charges	47i	377	386	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13j	10th Revenue Code	42j	387	390	4	N
						Right justify, zero fill left
13j	Units of Service	46j	391	397	7	N
						Right justify, zero fill left
13j	Charges	47j	398	407	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13k	11th Revenue Code	42k	408	411	4	N
						Right justify, zero fill left
13k	Units of Service	46k	412	418	7	N
						Right justify, zero fill left
13k	Charges	47k	419	428	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13l	12th Revenue Code	42l	429	432	4	N
						Right justify, zero fill left
13l	Units of Service	46l	433	439	7	N
						Right justify, zero fill left

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13l	Charges	47l	440	449	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13m	13th Revenue Code	42m	450	453	4	N
						Right justify, zero fill left
13m	Units of Service	46m	454	460	7	N
						Right justify, zero fill left
13m	Charges	47m	461	470	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13n	14th Revenue Code	42n	471	474	4	N
						Right justify, zero fill left
13n	Units of Service	46n	475	481	7	N
						Right justify, zero fill left
13n	Charges	47n	482	491	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13o	15th Revenue Code	42o	492	495	4	N
						Right justify, zero fill left
13o	Units of Service	46o	496	502	7	N
						Right justify, zero fill left

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13o	Charges	47o	503	512 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13p	16th Revenue Code	42p	513	516 4	N	Right justify, zero fill left
13p	Units of Service	46p	517	523 7	N	Right justify, zero fill left
13p	Charges	47p	524	533 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13q	17th Revenue Code	42q	534	537 4	N	Right justify, zero fill left
13q	Units of Service	46q	538	544 7	N	Right justify, zero fill
13q	Charges	47q	545	554 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13r	18th Revenue Code	42r	555	558 4	N	Right justify, zero fill left
13r	Units of Service	46r	559	565 7	N	Right justify, zero fill left

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13r	Charges	47r	566	575 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13s	19th Revenue Code	42s	576	579 4	N	Right justify, zero fill left
13s	Units of Service	46s	580	586 7	N	Right justify, zero fill left
13s	Charges	47s	587	596 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13t	20th Revenue Code	42t	597	600 4	N	Right justify, zero fill left
13t	Units of Service	46t	601	607 7	N	Right justify, zero fill left
13t	Charges	47t	608	617 10	N	S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13u	21st Revenue Code	42u	618	621 4	N	Right justify, zero fill left
13u	Units of Service	46u	622	628 7	N	Right justify, zero fill left

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
13u	Charges	47u	629	638	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13v	22nd Revenue Code	42v	639	642	4	N
						Right justify, zero fill left
13v	Units of Service	46v	643	649	7	N
						Right justify, zero fill left
13v	Charges	47v	650	659	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
13w	23rd Revenue Code	42w	660	663	4	N
						Right justify, zero fill left
13w	Units of Service	46w	664	670	7	N
						Right justify, zero fill left
13w	Charges	47w	671	680	10	N
						S9(8)99-May be negative (credit) Right justify, zero fill left, when including sign, use zoned decimal representation
14	Attending Physician ID Number	82	681	690	10	A
15	Hospital ID Number	5	691	702	12	A
16	Patient ID Number	3	703	722	20	A

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
17a	1st Insur Grp Number	62a	723	739	17	A
17b	2nd Insur Grp Number	62b	740	756	17	A
17c	3rd Insur Grp Number	62c	757	773	17	A
18a	Other Physician ID Number	83a	774	783	10	A
18b	Other Physician ID Number	83b	784	793	10	A
19a	1st Condition Code	24	794	795	2	A
19b	2nd Condition Code	25	796	797	2	A
19c	3rd Condition Code	26	798	799	2	A
19d	4th Condition Code	27	800	801	2	A
19e	5th Condition Code	28	802	803	2	A
19f	6th Condition Code	29	804	805	2	A
19g	7th Condition Code	30	806	807	2	A
20a	1st Occurrence Code	32a	808	809	2	A
20b	1st Occurrence Date	32a	810	815	6	N
20c	2nd Occurrence Code	32a	816	817	2	A
20d	2nd Occurrence Date	32a	818	823	6	N
20e	3rd Occurrence Code	34a	824	825	2	A
20f	3rd Occurrence Date	34a	826	831	6	N
20g	4th Occurrence Code	35a	832	833	2	A
20h	4th Occurrence Date	35a	834	839	6	N
20i	5th Occurrence Code	32b	840	841	2	A
20j	5th Occurrence Date	32b	842	847	6	N
20k	6th Occurrence Code	33b	848	849	2	A

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DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION FROM	LENGTH TO	PICTURE	FORMAT
20i	6th Occurrence Date	33b	850	855	6	MMDDYY
20m	7th Occurrence Code	34b	856	857	2	A
20n	7th Occurrence Date	34b	858	863	6	MMDDYY
20o	8th Occurrence Code	35b	864	865	2	A
20p	8th Occurrence Date	35b	866	871	6	MMDDYY
21a	1st Occurrence Span Code	36a	872	873	2	A
21b	1st Occurrence From Date	36a	874	879	6	MMDDYY
21c	1st Occurrence Through Date	36a	880	885	6	MMDDYY
21d	2nd Occurrence Span Code	36b	886	887	2	A
21e	2nd Occurrence From Date	36b	888	893	6	MMDDYY
21f	2nd Occurrence Through Date	36b	894	899	6	MMDDYY
	Filler		900	915	16	Blank Filler
			794	800	7	

UB-92 Magnetic Media Record Format

Beginning August 1997 all hospitals may use the following format for submission to the Council. Beginning November 1997 all hospitals must use this format for submission to the Council.

TRAILER RECORD FIELD DESCRIPTION

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM	LENGTH TO	PICTURE	FORMAT
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A

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	2	Number of Records (Logical Records contained in the file excluding the Header and Trailer Records)	13	17	5	N
	3	Filler	18	945 800	898 783	A
						Blank filler

(Source: Amended at 21 Ill. Reg. effective 8/1/97)

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Section 2510. APPENDIX E UB-92 Uniform Bill Data Fields

DATA ELEMENT	Required Field(s) Requirements
1. Patient date of birth	14 As stated in UB-92 For Illinois manual.
2. Patient Sex	15 As stated in UB-92 For Illinois manual.
3. Patient zip code	13 As stated in UB-92 For Illinois manual.
4. Third-party	50 Illinois Department of Insurance numbers are required for commercial insurers. The Blue Cross codes listed in the UB-92 manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request as provided in subsection (g) of Section 2510.50 and hospitals are required to use such numbers where applicable in field 50.
5. Date of admission	17 As stated in UB-92 For Illinois manual.
6. Source of admission	20 As stated in UB-92 For Illinois manual.
7. Type of admission	19 As stated in UB-92 For Illinois manual.
8. Type of bill	4 As stated in UB-92 For Illinois manual.
9. Discharge Date	6 As stated in UB-92 For Illinois manual.
10. Principal and up to eight other diagnoses	67-75 As stated in UB-92 For Illinois manual.
11. Principal procedure and date	80 As stated in UB-92 For Illinois manual.
12. Patient status	22 As stated in UB-92 For Illinois manual.
13. Other procedures and dates	81a-e As stated in UB-92 For Illinois manual.
14. Total charges and components of those charges	42,46-47 The number of units is required where applicable. Code as stated in UB-92 For Illinois manual.
15. Attending physician ID number	82 Physician's state license number is the required ID number. If the

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attending-physician-does-not-have a-valid-license-number-enter-the Chief-of-Service-is-IB- UPINS UPIN's are allowed only-on Medicare-and-Medicaid for all claims.

16. Hospital ID number 5 The Medicaid number is the required hospital ID number. Hospitals not participating in Medicaid will be assigned a number as provided in subsection (f) of Section 2510.50.

17. Patient Control 3 As stated in UB-92 For Illinois manual. This field may not contain the patient's social security number.

18. Insured's group 62a-c Required where applicable. As stated in UB-92 For Illinois manual.

19. Other physician ID 83a-b If applicable and if known the physician's state license number is the required ID number. If the other-physician-does-not-have-a valid-license-number-enter-the Chief-of-Service-is-IB- UPINS UPIN's are allowed only-on Medicare-and-Medicaid for all claims.

20. Condition-Codes 24-30 Required-where-applicable-As stated-in-UB-92-for-Illinois manual.

21. Occurrence-Codes and-Dates 32a-35b Required-where-applicable-As stated-in-UB-92-for-Illinois manual.

22. Occurrence-Span Codes-and-Dates 36a-b Required-where-applicable-As stated-in-UB-92-for-Illinois manual.

23. External-Cause-of Injury-Code-(E-code) 77 Required-where-applicable-as shown-in-the-UB-92-for-Illinois manual-Code-may-also-be entered-in-elements-9b-through 9i-if-entering-the-code-there does

not-prevent-the-entry-of-other diagnosis-codes-from-the patient-record-

(Source: Amended at 21 Ill. Reg. 8964, Effective

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Section 2510 APPENDIX F Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI are participating in the pilot study. All Hospitals must use the following format for submission to the Council beginning February 27, 1997. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 Form or Option 2/1500 Form depending upon their method of billing. The same submission format will be followed for those Hospitals and Ambulatory Surgical Treatment Centers selected to be part of the field test beginning July 1, 1997.

HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM/TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID OR LHCCCC ASSIGNED NUMBER	1 12	12	A	
2	PROVIDER NAME	13 52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53 92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93 112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113 117	5	A	
6	CONTACT PERSON	118 157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158 167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168 173	6	N	MMDDYY
9	LAST DAY	174 179	6	N	MMDDYY
10	SURGICAL SITE ID	180 181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	182 800	619	A	BLANK FILL

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

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AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI are participating in the pilot study. All Hospitals must use the following format for submission to the Council beginning February 27, 1997. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 Form or Option 2/1500 Form depending upon their method of billing. The same submission format will be followed for those Hospitals and Ambulatory Surgical Treatment Centers selected to be part of the field test beginning July 1, 1997.

LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB92 ITEM	POSITION FROM/TO	LENGTH	PICTURE	FORMAT
1	PATIENT DATE OF BIRTH	14 1 8	8	8	N	MMDDCCYY
2	PATIENT SEX	15 9 9	1	1	A	
3a	PATIENT ZIP CODE	13 10 14	5	5	N	UNKNOWN=XXXXX FOREIGN=99999
3b	ZIP PLUS 4	13 15 18	4	4	A	OPTIONAL, BLANK FILL IF NO NUMBER
4a	1ST INDIVIDUAL PAYER					LEFT JUSTIFY
	ID NUMBER	50a 19 27	9	9	A	SPACE FILL RIGHT
4b	2ND INDIVIDUAL PAYER					LEFT JUSTIFY, SPACE FILL RIGHT
	ID NUMBER	50b 28 36	9	9	A	
5	3RD INDIVIDUAL PAYER					LEFT JUSTIFY, SPACE FILL RIGHT
	ID NUMBER	50c 37 45	9	9	A	
	DATE OF ADMISSION	17 46 51	6	6	N	MMDDYY
	SOURCE OF ADMISSION	20 52 52	1	1	N	
	TYPE OF ADMISSION	19 53 53	1	1	N	
a	TYPE OF BILL	4 54 56	3	3	N	
b	DISCHARGE DATE	6 57 62	6	6	N	MMDDYY
a	PRINCIPAL DIAGNOSIS	67 63 68	6	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

LOGICAL RECORD

9b	1ST OTHER DIAGNOSIS	68 69	74 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9c	2ND OTHER DIAGNOSIS	69 75	80 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9d	3RD OTHER DIAGNOSIS	70 81	86 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9e	4TH OTHER DIAGNOSIS	71 87	92 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9f	5TH OTHER DIAGNOSIS	72 93	98 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9g	6TH OTHER DIAGNOSIS	73 99	104 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9h	7TH OTHER DIAGNOSIS	74 105	110 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
9i	8TH OTHER DIAGNOSIS	75 111	116 6	A	LEFT JUSTIFY. SPACE FILL RIGHT NO DECIMAL
10a	PROCEDURE CODING METHOD USED	79 117	117 1	N	USE 9 FOR ICD-9- CM PROC. USE 8 FOR CPT PROC.
10b	PRINCIPAL PROCEDURE	80 118	124 7	A	ICD-9-CM 99V99b CPT 99999999 LEFT JUSTIFY. SPACE FILL RIGHT. NO DECIMAL OR HYPHEN

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c	PRINCIPAL PROCEDURE DATE	80 125	130 6	N	MMDDYY
	PATIENT STATUS	22 131	132 2	N	RIGHT JUSTIFY. ZERO FILL LEFT
a	1ST OTHER PROCEDURE	81a 133	139 7	A	ICD-9-CM 99V99b CPT 99999999 LEFT JUSTIFY. SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
b	1ST OTHER PROCEDURE DATE	81a 140	145 6	N	MMDDYY
c	2ND OTHER PROCEDURE	81b 146	152 7	A	ICD-9-CM 99V99b CPT 99999999 LEFT JUSTIFY. SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
d	2ND OTHER PROCEDURE DATE	81b 153	158 6	N	MMDDYY
e	3RD OTHER PROCEDURE	81c 159	165 7	A	ICD-9-CM 99V99b CPT 99999999 LEFT JUSTIFY. SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
f	3RD OTHER PROCEDURE DATE	81c 166	171 6	N	MMDDYY
g	4TH OTHER PROCEDURE	81d 172	178 7	A	ICD-9-CM 99V99b CPT 99999999 LEFT JUSTIFY. SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
h	4TH OTHER PROCEDURE DATE	81d 179	184 6	N	MMDDYY
i	5TH OTHER PROCEDURE	81e 185	191 7	A	ICD-9-CM 99V99b
j	5TH OTHER PROCEDURE DATE	81e 192	197 6	N	CPT 99999999 LEFT JUSTIFY. SPACE FILL RIGHT. NO DECIMAL OR HYPHEN MMDDYY

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13a	1ST REVENUE CODE	42a 198	201	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14a	UNITS OF SERVICE	46a 202	208	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15a	CHARGES	47a 209	218	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13b	2ND REVENUE CODE	47b 219	222	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14b	UNITS OF SERVICE	46b 223	229	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15b	CHARGES	47b 230	239	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13c	3RD REVENUE CODE	42c 240	243	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14c	UNITS OF SERVICE	46c 244	250	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15c	CHARGES	47c 251	260	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION

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13d	4TH REVENUE CODE	42d 261	264	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14d	UNITS OF SERVICE	46d 265	271	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15d	CHARGES	47d 272	281	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13e	5TH REVENUE CODE	42e 282	285	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14e	UNITS OF SERVICE	46e 286	292	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15e	CHARGES	47e 293	302	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13f	6TH REVENUE CODE	42f 303	306	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14f	UNITS OF SERVICE	46f 307	313	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15f	CHARGES	47f 314	323	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13g	7TH REVENUE CODE	42g 324	327	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14g	UNITS OF SERVICE	46g 328	334	7	N	RIGHT JUSTIFY, ZERO FILL LEFT

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5g	CHARGES	47k 335	344	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
8h	8TH REVENUE CODE	42h 345	348	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
9h	UNITS OF SERVICE	46h 349	355	7	N	RIGHT JUSTIFY ZERO FILL LEFT
9h	CHARGES	47h 356	365	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
10h	9TH REVENUE CODE	42i 366	369	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
10h	UNITS OF SERVICE	46i 370	376	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
10h	CHARGES	47i 377	386	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
11h	10TH REVENUE CODE	42j 387	390	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
11h	UNITS OF SERVICE	46j 391	397	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
11h	CHARGES	47j 398	407	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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3k	11TH REVENUE CODE	42k 408	411	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
4k	UNITS OF SERVICE	46k 412	418	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
5k	CHARGES	47k 419	428	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
3l	12TH REVENUE CODE	42l 429	432	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
4l	UNITS OF SERVICE	46l 433	439	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
5l	CHARGES	47l 440	449	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
1m	13TH REVENUE CODE	42m 450	453	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
1m	UNITS OF SERVICE	46m 454	460	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
1m	CHARGES	47m 461	470	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
1n	14TH REVENUE CODE	42n 471	474	4	N	RIGHT JUSTIFY, ZERO FILL LEFT

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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14n	UNITS OF SERVICE	46n 475	481	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15n	CHARGES	47n 482	491	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13o	15TH REVENUE CODE	42o 492	495	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14o	UNITS OF SERVICE	46o 496	502	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15o	CHARGES	47o 503	512	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13p	16TH REVENUE CODE	42p 513	516	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14p	UNITS OF SERVICE	46p 517	523	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15p	CHARGES	47p 524	531	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13q	17TH REVENUE CODE	42q 534	537	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14q	UNITS OF SERVICE	46q 538	544	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15q	CHARGES	47q 545	554	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION

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13r	18TH REVENUE CODE	42r 555	558	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14r	UNITS OF SERVICE	46r 559	565	7	N	RIGHT JUSTIFY, ZERO FILL
15r	CHARGES	47r 566	575	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13s	19TH REVENUE CODE	42s 576	579	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14s	UNITS OF SERVICE	46s 580	586	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15s	CHARGES	47s 587	596	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13t	20TH REVENUE CODE	42t 597	600	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14t	UNITS OF SERVICE	46t 601	607	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15t	CHARGES	47t 608	617	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13u	21ST REVENUE CODE	42u 618	621	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14u	UNITS OF SERVICE	46u 622	628	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15u	CHARGES	47u 629	638	10	N	S9(8)V99 MAY BE NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL LEFT WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
13v	22ND REVENUE CODE	42v 639	642	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14v	UNITS OF SERVICE	46v 643	649	7	N	RIGHT JUSTIFY, ZERO FILL LEFT

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13a	CHARGES	47a 650 659	10	N	S98IV99 MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO FILL LEFT, WHEN INCLUDING SIGN, USE ZONED, DECIMAL REPRESENTATION
13a	23RD REVENUE CODE	47a 660 663	3	N	RIGHT JUSTIFY, ZERO FILL LEFT
14a	UNITS OF SERVICE	47a 664 670	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15a	CHARGES	47a 671 680	10	N	S98IV99 MAY BE NEGATIVE (CREDIT, RIGHT JUSTIFY, ZERO
16	ATTENDING PHYSICIAN ID NUMBER	82 681 690	10	A	FILL LEFT, WHEN INCLUDING SIGN, USE ZONED, DECIMAL REPRESENTATION
17	MEDICAID ID OR DHCCC ASSIGNED NUMBER	5 691 702	12	A	LEFT JUSTIFY, SPACE FILL RIGHT
18	PATIENT ID NUMBER	3 703 722	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
19a	1ST INSUR. GRP NUMBER	63a 723 739	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
19b	2ND INSUR. GRP NUMBER	63a 740 756	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
19c	3RD INSUR. GRP NUMBER	63a 757 773	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
20a	OTHER PHYSICIAN ID NUMBER	83a 774 783	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
20b	OTHER PHYSICIAN	83a 784 793	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
21	SURGICAL SITE ID	794 795 803	9	N	RIGHT JUSTIFY, ZERO FILL LEFT
22	FILLER	804 805 813	9	A	BLANK FILLER

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Hospitals and Ambulatory Surgical Treatment Centers in Health Service Area XI are participating in the pilot study. All Hospitals must use the following format for submission to the Council beginning February 27, 1997. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 Form or Option 2/1500 Form depending upon their method of billing. The same submission format will be followed for those Hospitals and Ambulatory Surgical Treatment Centers selected to be part of the field test beginning July 1, 1997.

TRAILER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
	MEDICAID ID NUMBER	1 12	12	A	
	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13 17	5	N	RIGHT JUSTIFY, ZERO FILL LEFT
	SURGICAL SITE ID	18 19	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
	FILLER	20 800	781	A	BLANK FILL

(Source: Added at 21 Ill. Reg. effective 09/04/97)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510. APPENDIX G Ambulatory Surgical Data Fields Option 1/UB92 Form

<u>DATA ELEMENT</u>	<u>ELEMENT DESCRIPTION</u>	<u>REQUIRED FIELD(S) REQUIREMENTS</u>
<u>1</u>	<u>Patient Date of Birth</u>	<u>As stated in the Council's Provider Manual.</u>
<u>2</u>	<u>Patient Sex</u>	<u>As stated in the Council's Provider Manual.</u>
<u>3a-3b</u>	<u>Patient Zip Code</u>	<u>As stated in the Council's Provider Manual.</u>
<u>4a-4c</u>	<u>Individual Payer ID Number</u>	<u>Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(q) and the use of these codes is required where applicable.</u>
<u>5</u>	<u>Date of Admission</u>	<u>As stated in the Council's Provider Manual.</u>
<u>6</u>	<u>Source of Admission</u>	<u>As stated in the Council's Provider Manual.</u>
<u>7</u>	<u>Type of Admission</u>	<u>As stated in the Council's Provider Manual.</u>
<u>8a</u>	<u>Type of Bill</u>	<u>As stated in the Council's Provider Manual.</u>
<u>8b</u>	<u>Discharge Date</u>	<u>As stated in the Council's Provider Manual.</u>
<u>9a-9i</u>	<u>Principal Diagnosis and Up to Eight Other Diagnosis Codes</u>	<u>As stated in the Council's Provider Manual.</u>
<u>10a</u>	<u>Principal Procedure Coding Method Used</u>	<u>As stated in the Council's Provider Manual.</u>

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<u>10b</u>	<u>Principal Procedure</u>	<u>As stated in the Council's Provider Manual.</u>
<u>10c</u>	<u>Principal Procedure Date</u>	<u>As stated in the Council's Provider Manual.</u>
<u>11</u>	<u>Patient Status</u>	<u>As stated in the Council's Provider Manual.</u>
<u>12a-12j</u>	<u>Other Procedures and Dates</u>	<u>As stated in the Council's Provider Manual.</u>
<u>13a-13w</u>	<u>Revenue Codes</u>	<u>As stated in the Council's Provider Manual.</u>
<u>14a-14w</u>	<u>Units</u>	<u>As stated in the Council's Provider Manual.</u>
<u>15a-15w</u>	<u>Charges</u>	<u>As stated in the Council's Provider Manual.</u>
<u>16</u>	<u>Attending Physician ID Number</u>	<u>Physician's state license number is the required ID number. UPINs are allowed for all claims.</u>
<u>17</u>	<u>Provider ID Number</u>	<u>The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).</u>
<u>18</u>	<u>Patient ID Number</u>	<u>As stated in the Council's Provider Manual. This field may not contain the patient's social security number.</u>
<u>19a-19c</u>	<u>Insurance Group Number</u>	<u>As stated in the Council's Provider Manual. Required where applicable.</u>
<u>20a-20b</u>	<u>Other Physician ID Number</u>	<u>If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINs are allowed for all claims.</u>
<u>21</u>	<u>Surgical Site ID Number</u>	<u>As assigned by the Council.</u>

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22 Filler As stated in the Council's Provider Manual.

(Source: Added at 21 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510. APPENDIX H Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Ambulatory Surgical Treatment Centers in Health Service Area XI that submit data using the HCFA 1500 Billing Form must use the following format for submission to the Council beginning February 27, 1997. Those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data using the HCFA 1500 Billing Form must use the following format for submission to the Council beginning July 1, 1997.

HEADER RECORD

DATA ELEMENT	DATA DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID OR IHCCC ASSIGNED NUMBER	1 12	12	A	
2	PROVIDER NAME	13 52	40	A	LEFT JUSTIFY. SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53 92	40	A	LEFT JUSTIFY. SPACE FILL RIGHT
4	PROVIDER CITY	93 112	20	A	LEFT JUSTIFY. SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113 117	5	A	
6	CONTACT PERSON	118 157	40	A	LEFT JUSTIFY. SPACE FILL RIGHT
7	TELEPHONE NUMBER	158 167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168 173	6	N	MMDDYY
9	LAST DAY	174 179	6	N	MMDDYY
10	SURGICAL SITE ID IHCCC ASSIGNED	180 181	2	N	RIGHT JUSTIFY. ZERO FILL LEFT
11	FILLER	182 249	A	A	BLANK FILL

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 2/1500 FORM

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Ambulatory Surgical Treatment Centers in Health Service Area XI that submit data using the HCFA 1500 Billing Form must use the following format for submission to the Council beginning February 27, 1997. Those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data using the HCFA 1500 Billing Form must use the following format for submission to the Council beginning July 1, 1997.

LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	1500 ITEM	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICARD ID OR HCFA 1500 BILLING NUMBER	25	1 12	12	A	
2	PATIENT ID NUMBER	26	13 32	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PATIENT DATE OF BIRTH	3a	33 40	8	N	MMDDCCYY
4	PATIENT SEX	3b	41 41	1	A	M=MALE, F=FEMALE
5	PATIENT ZIP CODE	5	42 46	5	N	UNKNOWN=00000, FOREIGN=99999
5b	ZIP PLUS 4	5	47 50	4	A	OPTIONAL, BLANK FILL IF NO NUMBER
6a	1ST INDIVIDUAL PAYER ID NUMBER	1	51 59	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
6b	2ND INDIVIDUAL PAYER ID NUMBER	1	60 68	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
6c	3RD INDIVIDUAL PAYER ID NUMBER	1	69 77	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
7a	1ST INSUR GRP NUMBER	11	78 94	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
7b	2ND INSUR GRP NUMBER	9a	95 111	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
8a	1ST DIAGNOSIS CODE	21.1	112 117	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL

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8b	2ND DIAGNOSIS CODE	21.2	118 123	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
8c	3RD DIAGNOSIS CODE	21.3	124 129	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
8d	4TH DIAGNOSIS CODE	21.4	130 135	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
9a	ATTENDING PHYSICIAN	33	136 145	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
9b	REFER PHYSICIAN	17a	146 155	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
10	TOTAL CHARGES	28	156 165	10	N	S9(8)V99 WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
11a	1ST FROM PROCED DATE	24a	166 171	6	N	MMDDYY
12a	1ST THRU PROCED DATE	24a	172 177	6	N	MMDDYY
13a	1ST PROCEDURE	24d	178 184	7	A	CPT 999999 LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN
14a	1ST DIAGNOSIS CODE	24c	185 190	6	A	ICD-9-CM 99V99b, NO DECIMAL OR HYPHEN
15a	1ST CHARGES	24f	191 200	10	N	S9(8)V99 WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
16a	1ST UNITS	24g	201 207	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
11b	2ND FROM PROCED DATE	24a	208 213	6	N	MMDDYY

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12b	<u>2ND THRU PROCED</u> DATE	<u>24a</u>	<u>214</u>	<u>219</u>	<u>6</u>	N	MMDDYY	13d	<u>4TH PROCEDURE</u>	<u>24d</u>	<u>304</u>	<u>310</u>	<u>7</u>	A	CPT 999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
13b	<u>2ND PROCEDURE</u>	<u>24d</u>	<u>220</u>	<u>226</u>	<u>7</u>	A	CPT 999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN	14d	<u>4TH DIAGNOSIS CODE</u>	<u>24e</u>	<u>311</u>	<u>316</u>	<u>6</u>	A	ICD-9-CM 99V99bb NO DECIMAL OR HYPHEN
14b	<u>2ND DIAGNOSIS CODE</u>	<u>24e</u>	<u>227</u>	<u>232</u>	<u>6</u>	A	ICD-9-CM 99V99bb NO DECIMAL OR HYPHEN	15d	<u>4TH CHARGES</u>	<u>24f</u>	<u>317</u>	<u>326</u>	<u>10</u>	N	S9(8)V99 WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION
15b	<u>2ND CHARGES</u>	<u>24f</u>	<u>233</u>	<u>242</u>	<u>10</u>	N	S9(8)V99 WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION	16d	<u>4TH UNITS</u>	<u>24g</u>	<u>327</u>	<u>333</u>	<u>7</u>	N	RIGHT JUSTIFY ZERO FILL LEFT
16b	<u>2ND UNITS</u>	<u>24g</u>	<u>243</u>	<u>249</u>	<u>7</u>	N	RIGHT JUSTIFY ZERO FILL LEFT	11e	<u>5TH FROM PROCED</u> DATE	<u>24a</u>	<u>334</u>	<u>339</u>	<u>6</u>	N	MMDDYY
11e	<u>3RD FROM PROCED</u> DATE	<u>24a</u>	<u>250</u>	<u>255</u>	<u>6</u>	N	MMDDYY	12e	<u>5TH THRU PROCED</u> DATE	<u>24a</u>	<u>340</u>	<u>345</u>	<u>6</u>	N	MMDDYY
12e	<u>3RD THRU PROCED</u> DATE	<u>24a</u>	<u>256</u>	<u>261</u>	<u>6</u>	N	MMDDYY	13e	<u>5TH PROCEDURE</u>	<u>24d</u>	<u>346</u>	<u>352</u>	<u>7</u>	A	CPT 999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
13b	<u>3RD PROCEDURE</u>	<u>24d</u>	<u>262</u>	<u>268</u>	<u>7</u>	A	CPT 999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN	14e	<u>5TH DIAGNOSIS CODE</u>	<u>24e</u>	<u>353</u>	<u>358</u>	<u>6</u>	A	ICD-9-CM 99V99bb NO DECIMAL OR HYPHEN
14e	<u>3RD DIAGNOSIS CODE</u>	<u>24e</u>	<u>269</u>	<u>274</u>	<u>6</u>	A	ICD-9-CM 99V99bb NO DECIMAL OR HYPHEN	15e	<u>5TH CHARGES</u>	<u>24f</u>	<u>359</u>	<u>368</u>	<u>10</u>	N	S9(8)V99 WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION
15e	<u>3RD CHARGES</u>	<u>24f</u>	<u>284</u>	<u>275</u>	<u>10</u>	N	S9(8)V99 WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION	16e	<u>5TH UNITS</u>	<u>24g</u>	<u>369</u>	<u>375</u>	<u>7</u>	N	RIGHT JUSTIFY ZERO FILL LEFT
16e	<u>3RD UNITS</u>	<u>24g</u>	<u>285</u>	<u>291</u>	<u>7</u>	N	RIGHT JUSTIFY ZERO FILL LEFT	11f	<u>6TH FROM PROCED</u> DATE	<u>24a</u>	<u>376</u>	<u>381</u>	<u>6</u>	N	MMDDYY
11d	<u>4TH FROM PROCED</u> DATE	<u>24a</u>	<u>292</u>	<u>297</u>	<u>6</u>	N	MMDDYY	12f	<u>6TH THRU PROCED</u> DATE	<u>24a</u>	<u>382</u>	<u>387</u>	<u>6</u>	N	MMDDYY
12d	<u>4TH THRU PROCED</u> DATE	<u>24a</u>	<u>298</u>	<u>303</u>	<u>6</u>	N	MMDDYY								

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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13d	<u>4TH PROCEDURE</u>	<u>24d</u>	<u>304</u>	<u>310</u>	<u>7</u>	A	CPT 999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN	14d	<u>4TH DIAGNOSIS CODE</u>	<u>24e</u>	<u>311</u>	<u>316</u>	<u>6</u>	A	ICD-9-CM 99V99bb NO DECIMAL OR HYPHEN
15d	<u>4TH CHARGES</u>	<u>24f</u>	<u>317</u>	<u>326</u>	<u>10</u>	N	S9(8)V99 WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION	16d	<u>4TH UNITS</u>	<u>24g</u>	<u>327</u>	<u>333</u>	<u>7</u>	N	RIGHT JUSTIFY ZERO FILL LEFT
11e	<u>5TH FROM PROCED</u> DATE	<u>24a</u>	<u>334</u>	<u>339</u>	<u>6</u>	N	MMDDYY	12e	<u>5TH THRU PROCED</u> DATE	<u>24a</u>	<u>340</u>	<u>345</u>	<u>6</u>	N	MMDDYY
13e	<u>5TH PROCEDURE</u>	<u>24d</u>	<u>346</u>	<u>352</u>	<u>7</u>	A	CPT 999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN	14e	<u>5TH DIAGNOSIS CODE</u>	<u>24e</u>	<u>353</u>	<u>358</u>	<u>6</u>	A	ICD-9-CM 99V99bb NO DECIMAL OR HYPHEN
15e	<u>5TH CHARGES</u>	<u>24f</u>	<u>359</u>	<u>368</u>	<u>10</u>	N	S9(8)V99 WHEN INCLUDING SIGN USE ZONED DECIMAL REPRESENTATION	16e	<u>5TH UNITS</u>	<u>24g</u>	<u>369</u>	<u>375</u>	<u>7</u>	N	RIGHT JUSTIFY ZERO FILL LEFT
11f	<u>6TH FROM PROCED</u> DATE	<u>24a</u>	<u>376</u>	<u>381</u>	<u>6</u>	N	MMDDYY	12f	<u>6TH THRU PROCED</u> DATE	<u>24a</u>	<u>382</u>	<u>387</u>	<u>6</u>	N	MMDDYY

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

13f	6TH PROCEDURE	24d	388	394	7	A	CPT 9999999 LEFT JUSTIFY SPACE FILL RIGHT NO DECIMAL OR HYPHEN
14f	6TH DIAGNOSIS CODE	24e	395	400	6	A	ICD-9-CM 99v99bb NO DECIMAL OR HYPHEN
15f	6TH CHARGES	24f	401	410	10	N	S9(8)V99 WHEN INCLUDING SIGN, USE ZONED DECIMAL REPRESENTATION
16f	6TH UNITS	24g	411	417	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
17	TYPE OF BILL	418	420	3	N	N	831=ORIGINAL, 837=REPLACE, 838=DELETE
18	SURGICAL SITE ID IHCCCC ASSIGNED	421	422	2	N	N	RIGHT JUSTIFY, ZERO FILL LEFT
19	TYPE OF ADMISSION	423	423	1	A	A	
20	SOURCE OF ADMISSION	424	424	1	A	A	
21	DISCHARGE STATUS	425	426	2	A	A	
22	FILLER	427	430	4	A	A	

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Ambulatory Surgical Treatment Centers in Health Service Area XI that submit data using the HCFA 1500 Billing Form must use the following format for submission to the Council beginning February 27, 1997. Those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data using the HCFA 1500 Billing Form must use the following format for submission to the Council beginning July 1, 1997.

TRAILER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID NUMBER (OR IHCCCC ASSIGNED NUMBER)	1 12	12	A	
2	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13 17	5	N	RIGHT JUSTIFY, ZERO FILL LEFT
3	SURGICAL SITE ID (IHCCCC ASSIGNED)	18 19	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
4	FILLER	20 411	411	A	BLANK FILL

(Source: Added at 21 Ill. Reg. effective

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510. APPENDIX I Ambulatory Surgical Data Fields Option 2

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Medicaid ID or IHCCC Assigned Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
2	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
3	Patient Date of Birth	As stated in the Council's Provider Manual.
4	Patient Sex	As stated in the Council's Provider Manual.
5	Patient Zip Code	As stated in the Council's Provider Manual.
5b	Zip Plus 4	As stated in the Council's Provider Manual.
6a-6c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in of Section 2510.50(g) and the use of these codes is required where applicable.
7a-7b	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
8a-8d	Diagnosis Codes	As stated in the Council's Provider Manual.
9a	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

9b	Referring Physician	If applicable, and if known, the physician's state license number is the required ID number. UPINs are allowed for all claims.
10	Total Charges	As stated in the Council's Provider Manual.
11a-11f	From Procedure Date	As stated in the Council's Provider Manual.
12a-12f	Thru Procedure Date	As stated in the Council's Provider Manual.
13a-13f	Procedures	As stated in the Council's Provider Manual.
14a-14f	Diagnosis Codes	As stated in the Council's Provider Manual.
15a-15f	Charges	As stated in the Council's Provider Manual.
16a-16f	Units	As stated in the Council's Provider Manual.
17	Type of Bill	As stated in the Council's Provider Manual.
18	Surgical Site ID Number	As assigned by the Council.
19	Type of Admission	As stated in the Council's Provider Manual.
20	Source of Admission	As stated in the Council's Provider Manual.
21	Discharge Status	As stated in the Council's Provider Manual.
22	Filler	As stated in the Council's Provider Manual.
(Source: Added at 21 Ill. Reg. effective JUL 1 1997)		

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hospital Price Information

2) Code Citation: 77 Ill. Adm. Code 2530

3) Section Numbers: Adopted Action:
2530.40 Amendment
2530.50 New

4) Statutory Authority: Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3] and Public Act 89-554

5) Effective Date of Rulemaking: July 1, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 27, 1997

9) Notice of Proposal Published in Illinois Register: March 14, 1997, Issue 11, Page 3025

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:
Changed "Hospitals" and "Ambulatory Surgical Treatment Centers" to lower case. Added "Ambulatory Surgical Treatment Centers" to Type of Small Business affected on Notice Page.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

The amendments allow the Agency to disseminate hospital and ambulatory surgical treatment center prices during the year in which they were reported. The amendments also assist the agency in monitoring health care prices more effectively by allowing annual revisions to the list of surgical procedures to be surveyed.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Norman Roughley

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Address: Supervisor, Health Care Industry Relations,
Information Services Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
Telephone: 217/786-7001, ext. 108

The full text of the Adopted Amendment begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2530

HOSPITAL PRICE INFORMATION

Section

2530.10 Price Information

2530.20 Posting Price Information

2530.30 Size and Place of Posting

2530.40 Reporting Information

2530.50 Outpatient Surgical Reporting Information Surveys

APPENDIX A Current Established Charges For Services

Report of Current Charges for Outpatient Services and Procedures (Repealed)

AUTHORITY: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12764, effective August 5, 1985; amended at 12 Ill. Reg. 20089, effective November 21, 1988; amended at 15 Ill. Reg. 1821, effective January 29, 1991; emergency amendment at 17 Ill. Reg. 14172, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5343, effective March 21, 1994; amended at 19 Ill. Reg. 12478, effective August 21, 1995; emergency amendment at 21 Ill. Reg. 3318, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 3404, effective JUL 01 1997.

Section 2530.40 Reporting Information

Hospitals shall notify the Council annually of the prices posted pursuant to Section 2530.20 of this Part. Additionally, hospitals shall report the prices of those inpatient and outpatient services and procedures identified by the Council as well as the number of available beds on December 31 June 30 of the previous current calendar year, the number of inpatient days provided in the previous calendar year, and the total inpatient revenues and the total outpatient revenues for the twelve months ending June 30 of the current calendar year. The information required to be submitted pursuant to this Part shall be submitted on a survey form provided (with the accompanying instructions) to the hospital by the Council. The information shall be submitted by February 28 August 31 of the current calendar year. The Council shall designate a committee to annually review the inpatient and outpatient services and procedures reported by hospitals. The committee shall make annual recommendations prior to October 1 May 1 to the Council regarding the reporting of the most relevant inpatient and outpatient services and procedures to be collected and disseminated in the current year. The Council may designate additional inpatient and outpatient services and procedures, or may delete

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

specific inpatient and outpatient services and procedures, to be reported.

(Source: Amended at 21 Ill. Reg. 6604, effective JUL 01 1997)

Section 2530.50 Outpatient Surgical Reporting Information Surveys

For the implementation of the pilot study as authorized in Public Act 89-554, hospitals and ambulatory surgical treatment centers in Health Service Area XI shall report the prices of those outpatient surgical procedures identified by the Council for the twelve months ending December 31, 1996. The information required to be submitted pursuant to this Part shall be submitted on a survey form provided (with the accompanying instructions) to hospitals and ambulatory surgical treatment centers. The completed survey shall be returned to the Council by April 15, 1997.

(Source: Added at 21 Ill. Reg. 6604, effective JUL 01 1997)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Low-Income Housing Tax Credit Allocation

2) Code Citation: 47 Ill. Adm. Code 350

3) Section Numbers: Adopted Action:

350.101	Amendment
350.102	Amendment
350.104	Amendment
350.201	Amendment
350.202	Amendment
350.203	Amendment
350.204	Amendment
350.205	Amendment
350.206	Amendment
350.207	Amendment
350.208	Amendment
350.209	Amendment
350.210	Amendment
350.211	Amendment
350.212	Amendment
350.213	Amendment
350.214	New Section
350.215	New Section

4) Statutory Authority: Sections 3805/7.24(g), 3805/7.19 and 3805/7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.24(g), 20 ILCS 3805/7.19 and 20 ILCS 3805/7.25).

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 21, 1997

9) Notice of Proposal Published in Illinois Register:
Published on March 28, 1997, 12 Ill. Reg. 3790.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:
Pursuant to Second Notice Changes from JCAR, the Authority made a series of substantive, technical and grammatical corrections throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These rules set forth the procedures for allocation of housing tax credit dollars under the Illinois Housing Development Authority's Tax Credit Program. The Tax Credit Program was created to comply with federal law and to assist in the acquisition, construction and rehabilitation of affordable single-family and multifamily rental housing for low-income households.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Richard B. Muller, Esq.
Address: Illinois Housing Development Authority
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611

Telephone: 312/836-5327

The full text of the Adopted Amendment begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY
NOTICE OF ADOPTED AMENDMENTS
TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 350
LOW-INCOME HOUSING TAX CREDIT ALLOCATION

SUBPART A: GENERAL RULES

- Section 350.101 Purpose and Objectives
- 350.102 Definitions
- 350.103 Compliance with Federal Law
- 350.104 Severability

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

- Section 350.201 Authority to Issue Tax Credits ~~Credit-Issuing-Authority~~
- 350.202 Allocation Pursuant to Qualified Allocation Plan
- 350.203 Application Process
- 350.204 Notice of Application
- 350.205 Authority Review
- 350.206 Allocation Amount - Project Feasibility
- 350.207 Approval or Rejection
- 350.208 Extended Use Agreement ~~low-income-Housing-Commitment~~
- 350.209 Project Certification
- 350.210 Housing Tax Credit ~~Bollars~~ Allocation
- 350.211 Reservation of Housing Tax Credits ~~Credit Bollars~~ for Year Period Other Than Current Calendar Year
- 350.212 Revocation of Reservations
- 350.213 Compliance Monitoring
- 350.214 Fees
- 350.215 Carryover Allocations

AUTHORITY: Sections 7.24g, 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.24g, 7.19 and 7.25].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 6553, effective March 30, 1987, for a maximum of 150 days; emergency expired August 27, 1987; adopted at 11 Ill. Reg. 19271, effective November 17, 1987; amended at 13 Ill. Reg. 5947, effective April 18, 1989; Part repealed, new Part adopted by emergency action at 14 Ill. Reg. 5827, effective March 19, 1990, for a maximum of 150 days; emergency expired August 16, 1990; Part repealed, new Part adopted at 14 Ill. Reg. 14021, effective August 16, 1990; amended at 15 Ill. Reg. 17110, effective November 13, 1991; emergency amendment at 16 Ill. Reg. 5369, effective March 3, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 9137, effective June 1, 1992; amended at 16 Ill. Reg. 11831, effective July 13, 1992; emergency amendment adopted at 21 Ill. Reg. 4023, effective March 17, 1997, for a maximum

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of 150 days; amended at 21 Ill. Reg. 9012, effective JUN 26 1997.

SUBPART A: GENERAL RULES

Section 350.101 Purpose and Objectives

This Part is being established to set forth the standards for the Allocation of low-income housing tax credits ~~credit-dollars~~ by the Illinois Housing Development Authority as State Housing Credit Agency for the State pursuant to Section 307.24 of the Illinois Housing Development Act, ~~as defined below~~, and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42) for in connection with the acquisition, construction and rehabilitation of low-income housing.

(Source: Amended at 21 Ill. Reg. 9012, effective JUN 26 1997)

Section 350.102 Definitions

"Act": The Illinois Housing Development Act [20 ILCS 3805] (~~1111-Rev-Stat-1989-CH-67-1/27-PART-381-ET-SEQ-7~~).

"Allocation": The award of Tax Credits to a Project pursuant to Section 42.

"Applicable Fraction": The lower of the unit fraction or the floor space fraction. The unit fraction is ~~equal~~ the number of low-income housing units divided by the total number of units in the Project ~~project-as-hereinafter-defined~~. The floor space fraction is ~~equal~~ the square footage of the low-income housing units divided by the project's total square footage.

"Application": An application to the Authority submitted by a Sponsor, for Tax Credits for a Project, including required supporting documentation.

"Authority": The Illinois Housing Development Authority.

"Authority Housing Credit Ceiling": The portion of the State Housing Credit Ceiling available for Allocation by the Authority.

"Compliance Period": The period during in which the Project, ~~as hereinafter-defined~~, is obligated to comply with the occupancy restrictions (both income and rent) of Section 42 ~~provide-low-income housing-units-pursuant-to-the-requirements-of-the-internal-Revenue Code-as-hereinafter-defined~~.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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"Credit Period": The period of 10 taxable years beginning with the taxable year in which the Project building is placed in service or, at the election of the Sponsor, as hereinafter defined, the succeeding taxable year.

"Governor": The Governor of the State of Illinois.

"Internal Revenue Code": The Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.) and the U.S. Treasury treasury regulations promulgated under it, all as they may be amended from time to time (26 CFR-1.42-19-1-42-27-1987-no-subsequent-dates-or-editions).

"Low-Income": A household income that is less than or equal to 60% of the median income for the area in which a Project is located, as determined by the United States Department of Housing and Urban Development.

"Part": This Part 350.

"Project": The qualified building or buildings (as defined in Section 42) that are real property, together with all improvements, buildings, equipment, and personal property appurtenant thereto, which is the subject of an Application application for allocation of housing tax credit dollars.

"Qualified Allocation Plan": The Authority's qualified Allocation Plan allocation plan required under Section 42 of the Internal Revenue Code.

"Reservation": The Authority's conditional Reservation of Tax Credits for a Project.

"Section 42": Section 42 of the Internal Revenue Code and the regulations and revenue rulings promulgated under it, all as they may be amended from time to time.

"Sponsor": An entity applying for or receiving Tax Credits for a Project housing tax credit dollars pursuant to this Part.

"State": The State of Illinois.

"State Housing Credit Agency": The Illinois Housing Development Authority.

"State Housing Credit Ceiling": The amount of Tax Credits available for Allocation in the State for any calendar year, as provided in Section 42.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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"Tax Credits": Federal low income housing tax credits, as authorized by Section 42.

(Source: Amended at 21 Ill. Reg. 9012, effective 1/1/86)

Section 350.104 Severability

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart thereof as to which such judgment is rendered.

(Source: Amended at 21 Ill. Reg. 9012, effective 1/1/86)

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section 350.201 Authority to Issue Tax Credits Credit-issuing-Authority

For any calendar year, the Authority may allocate Tax Credits in an amount not to exceed the Authority Housing Credit Ceiling. The amount of housing tax credit dollars to be allocated is based on the State's per capita allocation for places other than constitutional home-rule units and amounts ceded by constitutional home-rule units.

(Source: Amended at 21 Ill. Reg. 9012, effective 1/1/86)

Section 350.202 Allocation Pursuant to Qualified Allocation Plan

The Authority shall not allocate Tax Credits only any amount of housing tax credit dollars unless such amount was allocated pursuant to and in compliance with the Authority's Qualified Allocation Plan.

(Source: Amended at 21 Ill. Reg. 9012, effective 1/1/86)

Section 350.203 Application Process

A Any Sponsor may apply for an Allocation allocation of housing tax credit dollars by submitting an Application application to the Authority on forms prescribed by the Authority setting forth the following information:

- The name and location of the proposed Project;
- The name, address and telephone number of the Sponsor, owner, attorney, architect, contractor and consultant;
- A history of the Sponsor's experience in developing housing, and

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- low-income housing in particular;
- d) A complete description of the proposed Project, including but not limited to the number and type of units and a projected rent schedule, and identifying any proposed tenant populations with special housing needs;
- e) The amount and status of the proposed financing for the Project, including a A certification from the Sponsor certifying the amount of all federal Federal, State and local subsidies which apply, or which the Sponsor expects to apply, with respect to the Project building.
- f) Percentage of Low-Income low-income units, and the amount of floor space of such units, to be included in the Project as defined in Section 42-of-the-Internal-Revenue-Code-(26-U-S-C-42(i)(3))7-and--the methodology used in estimating this percentage;
- g) The estimated total cost of the proposed Project, including the cost of land acquisition, the cost of construction, architects' fees, attorneys' fees, title insurance and all other costs associated with the Project;
- h) The amount and status of--the-proposed-financing-for--the-Project, including evidence--of--a--financing--commitment--from--the-source-of-financing;
- i) Dates of the Project's expected construction start--completion and placement into service;
- j) The amount of Tax Credits housing-tax-credit-dollars requested;
- k) A certification from the Sponsor certifying to the Authority that all information contained in the Application application and all accompanying information is true and accurate to the best of the Sponsor's knowledge and that the Project will be placed--in--service; and
- l) The--Sponsor--shall--submit--an--application--fee--of-\$500.00--with--the application--for--housing-tax-credit--dollars--Upon--approval--of--the reservation--fee--of-\$500.00--or--5.5%--of--the--amount--of--the--credit reservation--whichever-is-greater--and
- m) Any additional documentation of the information provided in the Application application which the staff of the Authority may require in order to confirm the information in the Application, application, e.g., financing commitment, legal description of the Project, etc.

(Source: Amended at 21 Ill. Reg. 9018, effective JUN 26 1997)

Section 350.204 Notice of Application

The Authority shall send notice Notice of each Application a--complete application received by--the-Authority--shall-be-sent to the chief executive officer (or the equivalent) of the local jurisdiction within which the Project is to be located. The official shall have 30 10 days from the date of notification in which to comment on the Project.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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(Source: Amended at 21 Ill. Reg. 9018, effective JUN 26 1997)

Section 350.205 Authority Review

The Authority shall review each Upon--receipt--of--a complete Application application--for--housing-tax-credit--dollars--the-Authority--shall--review--the application and approve or reject it in whole or in part. The Authority's in its review of an Application application--the-Authority shall include consider, but shall not be limited to, considering, the following criteria:

a) Section 42 Requirements. The ability of the Project to meet the requirements of Section 42 and other applicable sections of the Internal Revenue Code throughout the Compliance Period--based--on information--contained--in--the-application;

b) Financial Feasibility. The financial feasibility of the Project, taking into the consideration the existing low-income housing in the area in which the Project will be located, the area's low-income housing needs, as determined by the Authority, the cost of the Project, the projected income of the Project, and all sources of financing for the Project, including owner's equity;

c) Sponsor's Ability. The ability of the Sponsor to successfully construct complete the Project and place it in service, taking into consideration the Sponsor's schedule submitted with the Application application, the Sponsor's experience in the development and rehabilitation of housing, and the size and scope of the Project;

d) Evidence of site control for the Project, satisfactory to the Authority Unit--Configuration--The--number--of--units--in--the-Project, including the number--of--bedrooms--per--unit--that--meet--the--area's housing--needs--as--determined--by--the-Authority;

e) Location. The geographical location of the Project in relation to other Projects for which the Authority has have--been allocated Tax Credits housing-tax-credit-dollars for the calendar year--and--whether the--Project--is--located--in--other--than--a--constitutional--home-rule-unit which has not--ceded--its--housing-tax-credit--dollars--to--the--Authority The Authority will not approve Projects located in a constitutional home rule unit (as defined in the Internal Revenue Code) that has its own Tax Credit program unless:

- 1) the Sponsor has applied for housing assistance from the Authority or another State agency; or
- 2) the constitutional home rule unit has already reserved all of its Tax Credits; or
- 3) the constitutional home rule unit has requested the Authority to consider an application for a capital project located within the boundaries of the constitutional home rule unit;

f) Housing Stock. The ability of the Project to increase the quality and quantity of housing stock and redevelop blighted areas or to prevent the occurrence of slum conditions;

g) Number-of-low-income-units--Whether-the-designated-number--of--units

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for low-income households exceeds the minimum requirements of Section 42 of the Internal Revenue Code.

gh) Involuntary Displacement. For rehabilitation projects, the ability of the Sponsor must to minimize involuntary displacement of current low-income tenants, low-income households for rehabilitation projects taking into consideration the safety of the tenants during rehabilitation, any necessary structural changes, the integrity of the structure and the scope and nature of the proposed rehabilitation;

h) Government Support. Assistance or financial support from Federal, State, or local governmental units;

i) Non-Profit Participation. Material participation of a qualified nonprofit organization in the development and operation of the project, as provided set forth in Section 42(h)(5) of the Internal Revenue Code;

j) Special Needs Populations. The availability and accessibility of the project for the physically handicapped, the mentally ill, the developmentally disabled or other special needs populations, as required by Federal and State law in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794);

k) Percentage of Housing Tax Credit Dollar Amount. The amount of Tax Credits necessary to make the project economically feasible, as determined by the Authority percentage of housing tax credit dollars used for project costs other than the cost of intermediaries;

l) Compliance Period. Whether the compliance period of the project length of time for which the project is obligated to serve qualified tenants pursuant to Section 350-206 of this Part exceeds the minimum requirements requirement of Section 42 of the Internal Revenue Code;

m) Lower Lowest Income Tenants. The ability of the project to serve the lowest-income tenants with incomes less than the maximum low-income for the area in which the project will be located county, as determined by the Authority in evaluating the project's proposed rent schedule;

n) Public Housing Waiting Lists. The availability of the project to low-income low-income households who have applied for public housing and whose name is on a waiting list maintained by a public housing authority, as certified by the Sponsor in the application; and

op) Preservation. The ability of the Sponsor to continue to provide low income housing for housing developments projects currently eligible to be prepaid and converted to market rate housing. The Sponsor shall provide written evidence of the development's project's eligibility for conversion prepayment and the development's project's economic feasibility in the event of such conversion a prepayment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 350.206 Allocation Amount - Project Feasibility

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The Authority shall not allocate Tax Credits the housing tax credit dollar amount allocated to a project in an amount greater than shall not exceed the amount the Authority determines is necessary for the financial feasibility of the project and its viability as a qualified low-income low-income housing project throughout the Credit Period. The amount of the final housing tax credit dollars allocation for the project will be the amount the Authority determines to be necessary at the time the building is placed in service. In making this determination of feasibility, the Authority shall consider the sources and uses of funds and the total amount of financing planned for the project; the percentage of the housing tax credit dollar amount used for project costs other than the costs of intermediaries so long as this consideration is not applied so as to impede the development of projects in hard-to-develop areas of the State and any proceeds or receipts expected to be generated by reason of tax benefits. The Authority shall make its determination of feasibility at each of the following times:

- a) The application for the housing tax credit dollar amount and
- b) The date of the conditional reservation reservation of the Tax Credits for the project housing tax credit dollar amount; and
- bc) The date the project building is placed in service.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 350.207 Approval or Rejection

a) Upon completion of its review of an Application, application for housing tax credit dollars, the Authority shall notify the Sponsor in writing of its approval or rejection of the Application application, in whole or in part, considering the availability of Tax Credits housing tax credit dollars; the need for low-income housing throughout the State, as determined by the Authority, based on census data, social surveys, published data, or on-site inspections; the geographic distribution of Tax Credits housing tax credit dollars throughout the State; the information contained in the Application application; comments received pursuant to Section 350.204; and any other criteria set forth in the Qualified Allocation Plan.

b) Upon the approval of an Application, the application for housing tax credit dollars in whole or in part, the Authority shall issue a Reservation Letter letter conditionally reserving Tax Credits for the project allocating housing tax credit dollars to the qualified low-income building.

c) The conditional Reservation Letter letter of reservation shall set forth the terms and conditions upon which the Tax Credits housing tax credit dollars will be allocated to the project qualified low-income building, including, but not limited to:

- 1) Full compliance by both the Sponsor and the proposed Project with Section 42 and other applicable sections of the Internal Revenue Code;

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- 2) Certification from the Sponsor certifying to the Authority that the Sponsor and the Project are in full compliance with Section 42 and other applicable sections of the Internal Revenue Code and will continue to be in such compliance for such time as required by the Internal Revenue Code; and
- 3) Certification from the Sponsor that there will be no change in the Sponsor, or the Sponsor's organizational structure or the structure of the Project transaction without the prior written approval of the Authority. the Authority shall approve the change if the Sponsor or its structure or the structure of the transaction complies with Sections 350.203 and 350.205 of this Part.
- 4) Certification from the Sponsor certifying the amount of all Federal, State and local subsidies which apply, or which the Sponsor expects to apply with respect to the building.
- 45) Execution of an Extended Use Agreement extended low-income housing commitment agreement pursuant to Section 305.208 of this Part.

(Source: Amended at 21 Ill. Reg. 0012, effective JUN 26 1994)

Section 350.208 Extended Use Agreement Low-Income-Housing-Commitment

The Sponsor and the Authority shall enter into an Extended Use Low-Income Housing-Commitment Agreement before the Authority allocates Tax Credits to the Project prior to the Sponsor receiving any allocation of housing-tax-credit dollars. Pursuant to such Agreement, the Sponsor, and its successors and assigns shall be required to meet the Applicable Fraction of Low-Income low-income occupancy requirements of Section 42 for an extended-use period of at least fifteen (15) years beyond the Compliance Period. The Agreement shall contain any language necessary to comply with the requirements of Section 42(h)(6) of the Internal Revenue Code and shall be recorded in the office of the Recorder of Deeds in the county where the Project is located as a restrictive covenant on the real estate on which property of the Project is located.

(Source: Amended at 21 Ill. Reg. 0012, effective JUN 26 1994)

Section 350.209 Project Certification

As of the date the Project is placed in service, the Sponsor shall certify to the Authority as to all amounts of Federal, State and local subsidies which apply, or which the Sponsor expects to apply, with respect to the Project. The Sponsor shall further certify as to the Sponsor's and the Project's compliance with Section 42 and other applicable sections of the Internal Revenue Code and shall provide to the Authority with any documentation

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submitted to the Internal Revenue Service which establishes compliance with the requirements of Section 42 and other applicable sections of the Internal Revenue Code.

(Source: Amended at 21 Ill. Reg. 0012, effective JUN 26 1994)

Section 350.210 Housing Tax Credit Dollars Allocation

After acceptance of Sponsor's Application application and receipt by the Authority of all requested documentation, in a format acceptable to the Authority, which establishes to the satisfaction of the Authority that the Sponsor and the Project are in compliance with all the requirements of Section 42 and other applicable sections of the Internal Revenue Code, the Authority shall allocate Tax Credits housing-tax-credit-dollars to the Project and send Form 8609 to the Internal Revenue Service notifying it of the Allocation of Tax Credits for the Project.

(Source: Amended at 21 Ill. Reg. 0012, effective JUN 26 1994)

Section 350.211 Reservation of Housing Tax Credits Credit-Dollars for Period Year Other Than Current Calendar Year

The Authority may approve a Sponsor's Application application for housing-tax-credit-dollars for a calendar year subsequent to the year of the Application application, thereby reserving the Tax Credits credits from the Authority Housing Credit Ceiling for the subsequent year, year's-credit-ceiling if the Project meets the requirements of this Part. Such the Authority's approval shall be is contingent upon the availability of the Authority Housing Credit Ceiling for housing-tax-credit-dollars in the calendar year the subsequent year and the date on which the Project will be placed in service.

Section 350.212 Revocation of Reservations

The Authority reserves the right to revoke Reservations reservations-of-housing-tax-credit-dollars if a Sponsor fails to place the Project in service in within the calendar year for which the Tax Credits housing-tax-credit-dollars have been reserved, or fails to meet the requirements for a carryover Allocation, allocation as set forth in Section 42 of the Internal Revenue Code, or if the Project would otherwise not comply with Section 42 and other applicable sections of the Internal Revenue Code or with this Part.

(Source: Amended at 21 Ill. Reg. 0012, effective JUN 26 1994)

Section 350.213 Compliance Monitoring

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The Authority shall, pursuant to the Qualified--Allocation--Plan, monitor the Project for compliance with Section 42 of the Internal--Revenue--Code. If the Authority discovers that a Project which has received an Allocation of of--housing--tax--credits--dollars is not in compliance with Section 42 of the Internal--Revenue--Code, the Authority shall notify the Internal Revenue Service of that noncompliance. This compliance monitoring will be effective for all Projects regardless of the date of Allocation allocation. The Authority may with charge the Sponsor an administrative fee not to exceed the greater of \$100 per year or \$7,506 per unit per year for administrative costs incurred by the Authority in monitoring for--implementation--of--the compliance monitoring--system. This fee will be in addition to the fees set forth referenced in Section 350.214 350-203(1) of this Part.

(Source: Amended at 21 Ill. Reg. 9012, effective JUN 26 1997)

Section 350.214 Fees

The Sponsor shall pay the following non-refundable fees in connection with its Application:

- a) An Application fee in the amount of \$500 for Projects having 25 or fewer units and \$1,000 for Projects having more than 25 units. If the Sponsor is applying as a non-profit Project, as provided in Section 42, the Application fee shall be \$500 regardless of the number of units in the Project.
- b) A Reservation fee of \$500 or 6.5% of the amount of the Reservation for the Project, whichever is greater, upon the issuance of a letter from the Authority to the Sponsor conditionally reserving Tax Credits in a specific amount for the Project. In the case of Projects financed with tax-exempt bonds, the fee shall be 6.5% of the amount of the Tax Credits for which the Authority determines, pursuant to Sections 350.203 and 350.205 of this Part, the Project is eligible.
- c) If the Sponsor requests an increase in the amount of Tax Credits for a Project, an increase fee of \$1,000.
- d) A modification fee equal to:
 - 1) \$250 for requests for changes in the name or ownership structure of the Sponsor, or for extensions of time for meeting conditions set forth in the Reservation Letter;
 - 2) \$500 for requests for modifications in the characteristics of the Project; and
 - 3) \$1,000 for issuance of an amended Form 8609 to the Internal Revenue Service due to errors in the submission of the documentation required by Section 350.210 of this Part and the Qualified Allocation Plan.
- e) If the Sponsor requests that the Authority do a subsidy layering review that is required by HUD, a fee of \$500.

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(Source: Added at 21 Ill. Reg. 9012, effective JUN 26 1997)

Section 350.215 Carryover Allocations

If a Sponsor is unable to place its Project in service in the year in which it receives a Reservation, it may apply to the Authority for a carryover Allocation reserving the Tax Credits for the Project for two additional years, subject to the requirements of Section 42. If the Authority determines that the Project has met the carryover Allocation requirements of Section 42, the Authority shall issue a carryover Allocation Letter carrying over the Reservation for two additional years.

(Source: Added at 21 Ill. Reg. 9012, effective JUN 26 1997)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 625

<u>Section Numbers:</u>	<u>Adopted Action:</u>
625.10	Repealed
625.20	Repealed
625.30	Repealed
625.40	Repealed
625.50	Repealed
625.60	Repealed
625.70	Repealed
625.80	Repealed

- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107) and authorized by the Illinois Explosives Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 1-5001).

- 5) Effective Date of Rulemaking: June 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 26, 1997
- 9) Notice of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3375

- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part is being repealed because the Department of Mines and Minerals is no longer in existence. It is now a division of the Department of Natural Resources. The Department of Natural Resources is currently in the process of amending 4 Ill. Adm. Code 1000, Americans with Disabilities Act Grievance Procedure. Part 1000 will be the Department's administrative rule governing grievance procedures relating to the Americans With Disabilities Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted repealer shall be directed to:

Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Boat and Snowmobile Registration and Safety

- 2) Code Citation: 17 Ill. Adm. Code 2010

- 3) Section Numbers:
- | | |
|---------|-----------------|
| 2010.20 | Adopted Action: |
| 2010.30 | Amendments |
| 2010.35 | Amendments |
| 2010.80 | Amendments |
| 2010.90 | New Section |

- 4) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

- 5) Effective Date of Rulemaking: June 26, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: June 26, 1997

- 9) Notice of Proposal Published in Illinois Register: March 28, 1997, 21 Ill. Reg. 3803

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In Section 2010.20(a)(10), "(most prevalent colors)" was added following "2".

In Section 2010.30(b), "AA" was changed to "AAA" in 2 places.

In Section 2010.80(b), "for a 3 year period" was added at the end of the sentence.

In Section 2010.90(a)(4), ", based on last year's sales" was added at the end of the sentence.

In Section 2010.90(b), "625 ILCS 5" was changed to "625 ILCS 45"; "administrative rules" was changed to "this Part".

The Section Source Note for Section 2010.90 was corrected to read "Source: Added at 21 Ill. Reg. ____, effective ____").

DEPARTMENT OF NATURAL RESOURCES

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to add language regarding registration of boats over the Internet and to eliminate old fee structure language.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER e: LAW ENFORCEMENT

PART 2010

BOAT AND SNOWMOBILE REGISTRATION AND SAFETY

Section	
2010.20	Form of Application for Boat Registration and Title
2010.25	Form of Application for Snowmobile Registration
2010.30	Numbering Pattern to be Used for Boat Registration
2010.35	Numbering Pattern to be Used for Snowmobile Registration
2010.40	Display of Number on Boats
2010.50	Change of Address (Repealed)
2010.60	Reports in Case of Accident
2010.70	Statutory Authority (Repealed)
2010.80	Renewals for Boat and Snowmobile Registration
2010.90	Authorized Dealers

AUTHORITY: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

SOURCE: Filed January 13, 1960; codified at 5 Ill. Reg. 10660; amended at 8 Ill. Reg. 7801, effective May 23, 1984; amended at 10 Ill. Reg. 9769, effective May 21, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 6026, effective JUN 26 1997.

Section 2010.20 Form of Application Requirements for Boat Registration and Title

- a) The application form provided by the Department for the use of individuals in applying for a certificate of registration and title (if never issued) shall include the following:

- 1) Name and address of owner
- 2) Date of birth of owner
- 3) Hull I.D. Number
- 4) Present Coast Guard number (if any). Federal documentation papers shall be submitted with application.
- 5) Hull material (wood, steel, aluminum, fiberglass, inflatable, other)
- 6) Type of propulsion (outboard, inboard, sail, inboard/outdrive, other)
- 7) Type of fuel (gas, diesel, other)
- 8) Length of vessel
- 9) Make and year built (if known)
- 10) Horsepower of motor and boat colors (2 most prevalent colors)

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- 11) Statement as to use (pleasure, dealer, rental, manufacturer, other)
 - 12) A certificate of origin, lienholder information if any
 - 13) Signature of owner
- b) The signature of the applicant authorizes the Department to lower the remittance in the event personal check is submitted for an incorrect fee.

c) For registrations processed through the Internet, the application form will also contain fields for the dealer to include:

- 1) Registration decal inventory number
- 2) Dealer ID number

(Source: Amended at 21 Ill. Reg. 6026, effective JUN 26 1997)

Section 2010.30 Numbering Pattern to be Used for Boat Registration

- a) The identification patterns issued pursuant to the Boat Registration and Safety Act shall be divided into three parts. The first part shall consist of the letters "IL". The second part shall consist of not more than 4 four numerals. The third part shall consist of not more than 3 two letters, except that the letters "I", "O" and "Q" shall not be used.

- b) Each group of letters and numerals shall be separated by a hyphen or an equivalent space. As examples: IL-1234-AA or IL 1234 AA.

(Source: Amended at 21 Ill. Reg. 6026, effective JUN 26 1997)

Section 2010.35 Numbering Pattern to be Used for Snowmobile Registration

- a) The identification patterns issued pursuant to the Snowmobile Registration and Safety Act shall be divided into three parts. The first part shall consist of the letters "IL". The second part shall consist of not more than 4 four numerals. The third part shall consist of not more than 3 two letters, except that the letters "I", "O" and "Q" shall not be used.

- b) Each group of letters and numerals shall be separated by a hyphen or an equivalent space. As examples: IL-1234-AAAA or IL 1234 AAA AA.

- c) Display of the registration number on the snowmobile is not required.

(Source: Amended at 21 Ill. Reg. 6026, effective JUN 26 1997)

Section 2010.80 Renewals for Boat and Snowmobile Registration

- a) Renewal fees for boats shall be as set out in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2].

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- b) the Department, based on the previous year's sales. Dealers authorized by the Department to register watercraft or snowmobiles over the Internet will be issued inventory controllable registration decals to be issued to the watercraft or snowmobile owner at time of registration. Upon designated dates specified by the Department, these dealers will submit necessary reports and unused decals to the Department. Failure on the part of the dealer to comply with the Boat Registration and Safety Act [625 ILCS 43], including this Part and the dealer agreement, shall be justification for the Department to cancel or withdraw the registration over the Internet ability and immediately collect the unissued registration decals.
- c) Authorized dealers will be assigned appropriate security data for accessing the secured Internet application. Upon completing the registration application, the dealer will print out the completed application, obtain the necessary signatures on that document, and make 2 copies of the signed document. The originally signed copy of the application is to be submitted to the Department. One copy of the signed document is for the dealer's records and the other copy is for the customer. The dealer must also print out the registration card for the customer and add the registration number to the decals.
- d) Authorized dealers may charge a convenience fee not to exceed \$4.00 to cover the cost of the Internet transaction.
- e) No authorized dealer shall be required to remit any monies for registration decals stolen by means of forcible entry into the premises where the decals were kept, or destroyed by fire of the premises where the decals were kept, if he or she submits a police or fire department report of the theft or fire, and a listing of the numbers of decals so stolen or destroyed.

(Source: Added at 21 Ill. Reg. 602.0, effective 4/24/94)

- b) Renewal fees for snowmobiles shall be \$12 for a 3 year period.
- a) In order to separate the registration file for equal distribution of processing boat renewals will be renewed as follows:
- 1) Boat registration renewals processed in 1986 with the registrants last name beginning with A through O will be renewed for a two year period. Those boat registrants with last names beginning with P through Z will receive a three year registration. All applicants registering a watercraft for the first time will receive a three year registration.
- 2) Boat registration renewals processed in 1987 with the registrants last names beginning with A through O will receive a three year registration. Boat registrants with last names beginning with P through Z will receive a two year renewal registration. Anyone registering a watercraft for the first time will receive a three year registration.
- 3) The fee for a 2 year boat registration is \$4 and a 3 year boat registration is \$6.
- b) In order to separate the registration file for equal distribution of processing snowmobile renewals will be renewed as follows:
- 1) Snowmobile registration renewals processed for April 17 1986 to March 31 1987 with the registrants last name beginning with A through O will be renewed for a two year period. Those snowmobile registrants with last names beginning with P through Z will receive the three year registration. All applicants registering a snowmobile for the first time will receive a three year registration.
- 2) Snowmobile registration renewals processed from April 17 1987 to March 31 1988 with the registrants last names beginning with A through O will receive a three year registration. Snowmobile registrants with last names beginning with P through Z will receive a two year renewal registration. Anyone registering a snowmobile for the first time will receive a three year registration.
- 3) The fee for a 2 year snowmobile registration is \$8 and a 3 year snowmobile registration is \$12.

(Source: Amended at 21 Ill. Reg. 602.0, effective 4/24/94)

Section 2010.90 Authorized Dealers

- a) Dealers who wish to become authorized to register boats via the Internet must:
- 1) Make a request in writing
 - 2) Indicate the number of boats sold the previous year
 - 3) Enter into a vendor contract with the Department
 - 4) Provide a bond or surety in an amount and form satisfactory to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties

- 2) Code Citation: 17 Ill. Adm. Code 130

- 3) Section Numbers: Adopted Action:

130.50 Amendments

130.60 Amendments

130.70 Amendments

130.80 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 835/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

- 5) Effective Date of Rulemaking: June 26, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: June 26, 1996

- 9) Notice of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3809

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: In Section 130.50, after "Starved Rock State Park" the following was added ", reservation fee shall be the"; after "utility fee" the following was added "and"; and "the" was added following "Starved Rock State Park,".

In Section 130.60(c), a comma was added following "phone number" and a period was placed inside the closing parenthesis.

In Section 130.70(a)(1)(H), ".00" was added following the dollar amounts.

In Section 130.70(a)(1)(J), "reservation fee shall be the" was added following "the" and "and" was added following "utility fee".

In Section 130.70(b)(1), "state" was capitalized.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

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- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to add language on a pilot project involving campground reservations at Starved Rock State Park; add language allowing campers to stay longer than the current 14 day limit at selected campsites; and add language regarding the refund of reservation fees.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER a: LANDS

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	Location
130.10	Purpose of Campground
130.20	Classification of Camps by Equipment Used - Definitions
130.30	Definition of a Camp
130.40	Registrations
130.50	Permits, Extensions and Time Limits
130.60	Fees and Charges
130.70	Refunds
130.80	Check-in and Check-out Times
130.90	Unoccupied Camps
130.100	Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.110	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.120	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.130	Campground Host Program
130.140	Use of Campground
130.150	Eviction

AUTHORITY: Implementing and authorized by Sections 1, 4(1), and 4(5) of the State Parks Act [20 ILCS 835/1, 4(1) and 4(5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9024, effective May 6, 1996.

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Section 130.50 Registrations

- A permit will be issued and fees collected at the time the camp is established or as soon as possible thereafter (see Sections 130.70 and 130.80).
- The camping attendant has the authority to assign sites.
- A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance to the rules and regulations of the park for the party.
- Curfew: the provisions of Section 1 of the Child Curfew Act [720 ILCS 555/1] with reference to curfew for persons under the age of 17 years are in effect on Department of Natural Resources' properties.
- The camp shelter or any other camping equipment shall not be brought into the park prior to the arrival of the camping party.
- No camping equipment shall be placed on any campground site while that site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.
- In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).
- Reservations will be accepted at selected sites offering this service. An additional \$5.00 non-refundable fee must be submitted for each site reserved. At Starved Rock State Park, the reservation fee shall be the applicable first night's camping and utility fee and is required at the time reservation is made for individual campsite reservations. At Starved Rock State Park, the reservation fee insures that a reserved campsite will be held until 3:00 p.m. of the next day assuring reservation holders of a campsite in the event of late arrival.

(Source: Amended at 21 Ill. Reg. 9024, effective June 26, 1997)

Section 130.60 Permits, Extensions and Time Limits

- A camp permit may be issued for a period not to exceed 14 consecutive nights between the dates of May 1 through September 30. Persons are eligible to camp at a specific Department of Natural Resources' facility for a maximum of 14 nights in a 30 day period between the dates of May 1 through September 30. During this period, sites with designated long term campsites can allow campers to register for up to 30 days in a 45 day period. The 30 and 45 day period starts from the first day the person actually obtains a bona fide camping permit and the camping equipment involved is subject to these limitations also. From October 1 through April 30, a camping permit may be issued for an unlimited number of nights during this time period.
- Exceptions to the above time limit may be made in the following

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instance: In bona fide emergency cases involving serious illness or accident which makes compliance with the rules impossible and only for the duration of the emergency - the burden of proof is on the permittee and the Site Superintendent should be satisfied by investigation or inquiry that facts in the case warrant consideration before granting an extension.

- c) During periods when a vacancy occurs in the reservation schedule at the Pere Marquette group camps, day use shall be allowed during a twelve-hour period beginning at 9:00 a.m. and ending at 9:00 p.m. Reservations will be made by application to the site superintendent. (Application requirements: name of organization, address, number of campers, person in charge, phone number, and age of campers.)

(Source: Amended at 21 Ill. Reg. 0034, effective 4-24-1992)

Section 130.70 Fees and Charges

a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:

- 1) Spring - Summer Camping (May 1 through September 30)
 - A) Class A Sites: Camping fee of \$8.00 per night per site, \$3.00 utility fee. Sites having availability to showers, electricity and vehicular access.
 - B) Class B-E Sites: Camping fee of \$7.00 per night per site, \$3.00 utility fee. Sites having availability to electricity and vehicular access.
 - C) Class B-S Sites: Camping fee of \$8.00 per night per site. Sites having availability to showers and vehicular access.
 - D) Class C Sites: Camping fee of \$7.00 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
 - E) Class D Sites: Camping fee of \$6.00 per night per site. Tent camping or primitive sites (walk-in or backpack) with no vehicular access.
 - F) Youth Group Camping: \$1.00 per person, minimum daily camping fee of \$10.00.
 - G) Adult Group Camping: \$3.00 per person, minimum daily camping fee of \$30.00.
 - H) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$4.00 per night. At Dixon Springs, a deposit of \$40.00 \$40 will be required before confirmation of a reservation. At Pere Marquette, a deposit

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of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be \$45.00 per day.

- I) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. These designated areas will provide, at additional fees of \$8.00 and \$12.00 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a rent-a-camp will be based on the basic fees given of \$8.00 or \$12.00 per night in addition to the fee for the class of the camping site A through D on which the rent-a-camps are located, as follows:

- i) Rent-A-Camp at Class A Sites:
 - \$16.00 or \$20.00 plus \$3.00 utility fee per night per site at all sites having availability to showers, electricity and vehicular access.
 - ii) Rent-A-Camp at Class B-E Sites:
 - \$15.00 or \$19.00 plus \$3.00 utility fee per night per site at all sites having availability to electricity and vehicular access.
 - iii) Rent-A-Camp at as Class B-S Sites: \$16.00 or \$20.00 per night per site at all sites having availability to showers and vehicular access.
 - iv) Rent-A-Camp at Class C Sites:
 - \$15.00 or \$19.00 per night per site at all sites having vehicular access.
 - v) Rent-A-Camp at Class D Sites:
 - \$14.00 or \$18.00 per night per site at all sites having tent camping or primitive sites (walk-in or backpack) with no vehicular access.
 - J) A \$5.00 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group camp sites as well as individual site reservations. At Starved Rock State Park, the reservation fee shall be the applicable first night's camping and utility fee and is required at the time reservations are made for individual campsite reservations.
- 2) Fall - Winter Camping (October 1 through April 30)
- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be

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reduced commensurate with the services and facilities available for use.

- C) The fee for primitive campsites shall be \$6.00 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

- 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State state agency, regardless of their official status, will be required to pay the established camping fee.

- 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

- 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

- A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday, or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

- C) An Illinois resident who is a disabled veteran, or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire

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utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 21 Ill. Reg. 8034 effective JUN 26 1997)

Section 130.80 Refunds

- a) A refund of camping and utility fees for unused time shall be made upon the request of the registered camper. No personal check refunds shall be made sooner than 10 days after the check has been deposited to insure clearance. Refunds will be made in the field out of current cash receipts. Refunds for Camper's Permit will be prepared and appropriate copies submitted to accounting.
- b) Refund forms must be completed whenever a camper requests a refund for the unused portion of this camping permit.
- c) The person requesting the refund must show identification at the time of the refund.
- d) The camper's copy of the permit must be surrendered at the time of the refund.
- e) Rent-A-Camp reservation deposits will not be refunded by the Department.
- f) No refunds will be made for reservation fees unless the campground is closed by the Department.
- g) The deposit required for organized group camps at Pere Marquette and Dixon Springs will be non-refundable unless notice of cancellation is received by 30 days prior to reservation date.
- h) There is no refund of the first night's camping and utility fee made as part of a campsite reservation that is canceled less than 3 days prior to the date of arrival.

(Source: Amended at 21 Ill. Reg. 8091 effective JUN 26 1997)

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- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) Section Numbers: Adopted Action:
 530.70 Amendments
 530.80 Amendments
 530.90 Amendments
 530.100 Amendments
 530.105 Amendments
 530.110 Amendments
 530.115 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4186

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 530.70(a), a comma was added following "However" and new language being added regarding "publicly announced" was removed.

In Section 530.110(b)(2), Lake Shelbyville was removed.

In Section 530.115(e), Eagle Creek was removed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to open

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additional sites to hunting, change hunting hours and season dates at various sites and to add a provision that non-toxic shot must be used on posted waterfowl rest areas at Ten Mile Creek State Fish and Wildlife Area.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield, IL 62701-1787
 217/782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,
AND RABBIT HUNTING

Section

- 530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Controlled Pheasant Hunting Sites Permit Requirements
530.80 Controlled Pheasant Hunting Regulations
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100 Illinois Youth Pheasant Hunting Regulations
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

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for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. ~~6042~~ ⁶⁰⁴², effective ~~August 24, 1996~~ ^{August 24, 1996}.

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. (However, for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Lee County Conservation Area (Green River), applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed.

- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) For all DNR operated sites except Site M and Sand Ridge the permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) At Site M and Sand Ridge the permit is valid for the permit holder only. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. For all DNR operated sites except Site M, Sand Ridge and Wayne Fitzgerald, permits cannot be transferred on the hunting areas. The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for Pheasants. For other information write to:

Illinois Department of Natural Resources

Pheasant

524 South Second St., Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

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- d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park.
- e) At Site M and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.

(Source: Amended at 21 Ill. Reg. 3042.10, effective January 26, 1997)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 5 through December 14 ~~15~~, both dates inclusive, with the following exceptions:
- 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.
 - 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 9 ~~10~~ (except at Site M Controlled Unit, Sand Ridge, Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held).
 - 3) The controlled hunting season on the Des Plaines Conservation Area is November 5 through November 20 ~~21~~, November 26 ~~27~~ through December 21, 1997 ~~22-1996~~.
 - 4) The controlled hunting season on the Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison County) and Ramsey Lake State Park will be publicly announced.
 - 5) The controlled hunting season on the Site M Controlled Unit is November 1, 1997 ~~27-1996~~ through January 15, 1998 ~~1997~~, except closed to controlled hunting on November 21-23 ~~22-24~~, December 3-7 ~~4-8~~ and 25.
 - 6) The controlled hunting season on the Iroquois County Conservation Area is October 29 ~~30~~ through November 20 ~~21~~ and November 26 ~~27~~ through December 14, 1997 ~~15-1996~~.
 - 7) The controlled hunting season on Eldon Hazlet State Park (Carlyle Lake) and Wayne Fitzgerald State Park (Rend Lake) is November 5 through December 4, 1998, except closed to controlled hunting on December 25 ~~22-1996~~.
 - 8) The controlled hunting season on Sand Ridge State Forest is November 1, 1997 ~~27-1996~~ through January 15, 1998 ~~1997~~, except closed to controlled hunting on December 25.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge). Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (except at Site M Controlled Unit, Silver Springs, Horseshoe Lake State Park (Madison County), Ramsey

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Lake and Sand Ridge where hunters are required to check in between 8:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Site M, Sand Ridge and Wayne Fitzgerald where reservations are void after 12:00 noon).

- c) When daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon.

- d) Hunting licenses, daily usage stamps and fees:

- 1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

- 2) At Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and 7 Moraine View State Park and Wayne Fitzgerald State Park hunters must obtain a daily usage stamp from the Department prior to hunting except on November 30 December-1 hunters under 16 are not required to obtain a stamp.

- 3) At Site M, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge hunters must obtain a daily usage stamp from the Department prior to hunting except on November 30 and December 27 December-1 and-28 hunters under 16 are not required to obtain a stamp.

- 4) At Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Lee County Conservation Area, a Daily Usage Stamp is not required. Fees and method(s) of payment at these sites will be publicly announced.

- e) Hunters must wear a back patch issued by the check station.

- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.

- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or bismuth or No. 3 steel or smaller may be used except at the Wayne Fitzgerald State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or No. 5 bismuth or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

- h) Non-hunters are not allowed in the field.

- i) Hunters under 16 years of age must be accompanied by an adult hunter.

- j) Daily limits:

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, Des Plaines Conservation Area and Moraine View State Park.
- 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at

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Sand Ridge.

- 3) Two cock pheasants, 8 bobwhite quail and 4 rabbits at Site M.
- 4) Four cock pheasants at the Lee County Conservation Area (Green River), and Silver Springs State Park.
- 5) Four pheasants of either sex (except that on the last day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).
- 6) Four pheasants of either sex, 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
- 7) Two cock pheasants at Chain O'Lakes State Park.

k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- 1) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2330.

(Source: Amended at 21 Ill. Reg. 6642, effective July 26, 1997)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department to obtain a permit reservation (except for Sangchris Lake and Edward R. Madigan State Fish and Wildlife Area Raitspitter-State-Park). Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not

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limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Edward R. Madigan State Fish and Wildlife Area Raitspitter-State-Park) write to:

Illinois Department of Natural Resources

Pheasant

524 South 2nd Street, Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Lee County Conservation Area, Mackinaw River State Fish and Wildlife Area and Horseshoe Lake State Park (Madison County).

- e) Permits for the Youth Hunt at Sangchris Lake State Park and Edward R. Madigan State Fish and Wildlife Area Raitspitter-State-Park will be issued by a mail-in drawing at the respective site office. Registration procedures and hunter quota will be announced by public news release. Applicants must be between the ages of 10-15 inclusive. Permits available after the drawing will be allocated on a first come or first call-first served basis from the site office.

(Source: Amended at 21 Ill. Reg. 6642, effective July 26, 1997)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 9, 1997 to 1996, except at Edward R. Madigan State Fish and Wildlife Area where the hunt will be November 8, 1997 97-1996 and at Mackinaw River State Fish & Wildlife Area where the hunt will be the first Saturday of the statewide upland game season.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Edward R. Madigan State Fish and Wildlife Area and between 11:00 a.m. and 12 noon at Sangchris Lake).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except

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- at Sangchris Lake and Edward R. Madigan State Fish and Wildlife Area.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.
- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or bismuth or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or No. 5 bismuth shot or smaller may be used.
- h) Daily limit.
- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Moraine View State Park and Horseshoe Lake State Park (Madison County).
- 2) Two cock pheasants only at the Lee County Conservation Area and Chain O'Lakes State Park.
- 3) Statewide Limits: Mackinaw River State Fish & Wildlife Area, Sangchris Lake State Park and Edward R. Madigan State Fish and Wildlife Area.
- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, Edward R. Madigan State Fish and Wildlife Area, Raisin River State Park and Mackinaw River State Fish & Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 21 Ill. Reg. 9042 effective 04-26-1997)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and

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- Trapping apply in this Section, unless this Section is more restrictive.
- b) All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or bismuth or No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
- 1) A drawing shall be held at the site for hunter quotas.
 - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
 - 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson Sauk Trail State Park, Kankakee River State Park and the Washington County Conservation Area on November 30 and December 27 December-1-and-28.
 - 4) Hunters under 16 years of age must be accompanied by an adult hunter.
 - 5) At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and method(s) of payment at this site will be publicly announced.
- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field.
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
- Pheasant - 2 (either sex may be harvested)
 - Bowhite Quail - 8
 - Hungarian Partridge - 2
 - Rabbit - 4

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- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

Midewin National Tall Grass Prairie (Joliet Army Ammunition Plant - Will County) (a \$5.00 daily usage fee will be charged; no hen pheasants may be harvested; site is closed during site's firearm deer season; pheasants will not be tagged)

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4 pheasants of either sex only)

Washington County Conservation Area

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 21 Ill. Reg. 0802, effective 1/1/88)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) General Site Regulations
- 1) All regulations in 17 Ill. Adm. Code 510 -- General Hunting and Trapping -- apply in this Section, unless this Section is more restrictive.
 - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
 - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No.

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- 5 bismuth shot or smaller may be used or possessed.
- 5) Site specific rules or exceptions are noted in parentheses after each site.

b) Site Specific Regulations

- 1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (Opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

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Green River State Wildlife Area (closed until the end of the site's controlled pheasant season, except quail and rabbit only can be hunted on Mondays and Tuesdays during the site's controlled pheasant season) (1)

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kidd Lake State Natural Area

Kincaid Lake Fish and Wildlife Area (1)

Mackinaw Fish and Wildlife Area (8:00 a.m. - 4:00 p.m.; opens second day of statewide season; closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)

Marseilles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

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Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)(1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Project Projects Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Sangamon State Fish and Wildlife Area

Shawnee National Forest, Oakwood Bottoms (2)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Fulton-Knox County zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

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Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witkowski State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville Eagle Creek State Park (4:00 p.m. daily closing)

Lake Shelbyville---Eagle-Creek---Wildlife---Management---Area---(4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; pheasants of either sex may be taken, but hens must be tagged by site staff. All hunting is 8 a.m. to 4 p.m. only.)

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Site M (open unit)

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; daily hunting permits filled by drawing through DOC Permit Office. Procedures for application and drawings will be publicly announced. Only one permit per person will be issued for each site. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges at the site for the following year:

East Conant (November 1, 3, 6, 9, 12, 15, 18, 24, 27, 30 and December 3, 10, 16, 20, 23, 28 and January 2, 5, 8, 11)

Edward R. Madigan State Fish and Wildlife Area (November 10, 17, 25 11-10-25 and December 1, 8, 15, 22 2-9-16-23; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Hallsville Habitat Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 2-3-7-0-11-17-20-23-30 and December 4, 7, 11, 14, 18, 21, 24 5-7-0-11-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

Herschel Workman Habitat Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 2-3-7-0-11-17-20-23-30 and December 4, 7, 11, 14, 18, 21, 24 5-7-0-11-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

Kaacker-Sand-Prairie-Habitat-Area-(open-only-November-2-5-8-12-15-19-22-26-29-30-and-December-5-8-11-14-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

Little Vermilion River State Natural Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 4-7-0-11-17-20-23-30 and December 11, 14, 18, 21, 24 4-7-0-11-17-21-24; each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours)

Perdueville Habitat Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 2-3-7-0-11-17-20-23-30 and December 4, 7, 11, 14, 18, 21, 24 5-7-0-11-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

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Sand Prairie Habitat Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 and December 4, 7, 11, 14, 18, 21, 24; each permit authorizes the holder to bring 5 hunting partners)

Sand Ridge State Forest (Mud Turtle State Natural Area) (November 8, 11, 15, 18, 25, 29 9-12-19-23-26-30 and December 2, 9, 13, 16, 20, 23, 27, 30 3-10-14-17-21-24-29-31; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (November 15, 19, 22, 26, 29 16-20-23-27-30 and December 3, 6, 10, 13, 16, 20, 23, 27 4-7-11-14-16-21-24-28; each permit authorizes holder to bring 3 hunting partners; hunting hours 12 noon-sunset; check in required before hunting; December dates are for rabbits only)

Sato Field (November 1, 4, 8, 11, 13, 16, 19, 25, 29; December 1, 8, 11, 18, 21, 27; and January 1, 4, 7, 10, 15; each permit authorizes the holder to bring 3 hunting partners)

Saybrook Habitat Area (McLean County) (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 3-7-10-14-17-21-24-28-31 and December 4, 7, 11, 14, 18, 21, 24 5-7-11-14-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

Site M (Quail Management Area; November 4, 8, 11, 15, 18, 25, 29 5-9-12-19-23-26-30 and December 2, 9, 13, 16, 20, 23, 27, 30 3-10-14-17-21-24-28-31; and January 3, 6, 10, 13 4-7-11-14; each permit authorizes holder to bring 3 hunting partners)

Steward Habitat Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 3-7-10-14-17-21-24-28-31 and December 4, 7, 11, 14, 18, 21, 24 5-7-11-14-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

Victoria Habitat Area (open only November 1, 2, 5, 8, 12, 15, 19, 22, 26, 29 3-7-10-14-17-21-24-28-31 and December 4, 7, 11, 14, 18, 21, 24 5-7-11-14-17-21-24; each permit authorizes the holder to bring 3 hunting partners)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR B0E before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December

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25) (1)

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.
- b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

Big Bend State Fish and Wildlife Area

Edward R. Madigan State Fish and Wildlife Area (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide quail falconry season)

Mississippi River Pools 16, 17 and 18

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- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Numbers: Adopted Action:
740.20 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) Effective Date of Rulemaking: June 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 26, 1997
- 9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4206
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 740.20(b), "Snakeden" was changed to "Snake Den"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments open new sites to hunting; limit hunting to woodcocks on Peabody River King State Fish and Wildlife Area; and add language allowing only non-toxic shot for woodcock hunting in waterfowl rest areas at Ten Mile Creek Fish and Wildlife Area.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

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Railsplitter--State--Park--(hunting-by-falconry-methods-permitted from-October-1-through-March-31-or-until-10--hen--pheasants--are harvested--falconers--must--sign--in--at--the--site--check--station before--hunting--and--sign-out--immediately--after--hunting--and--report their--harvest)

Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesdays only during the Controlled Daily Drawing Pheasant Program season; it is unlawful to hunt by falconry methods in the vicinity of pheasant releases as pheasants are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by April 15; failure to report harvest by April 15 will result in loss of hunting privileges the following year)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season)

- c) Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590; falconers must obtain a free permit from site office before hunting and return permit and report harvest by February 15; failure to return permit or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Eagle-Creek-Wildlife-Management-Area--(hunting-permitted-from--the end--of--the--statewide--firearms--season--for--rabbits--through-January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

(Source: Amended at 21 Ill. Reg. 3042, effective JUN 26 1997)

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The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 10851, effective August 5, 1996.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

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Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doza Creek

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Waterfowl Management Area closed 7 days prior to waterfowl season)

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (woodcock only; Monday - Thursday only through October)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit sub-unit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m.)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

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Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid quality upland permit for the area)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Hidden Springs State Forest (4:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing;

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closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Little Vermilion River State Natural Area (woodcock only; closes October 31)

Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Sato Field (open only to hunters possessing a valid quality upland permit for the area)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

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NOTICE OF ADOPTED AMENDMENTS

Chauncey Marsh (permit required)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Dog Island Wildlife Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only; ~~muzzleloading~~-shotguns-only)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (site permit described in subsection 740.20(c) applies)

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Siniissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area

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Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Woodford Fish and Wildlife Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only)

2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 21 Ill. Reg. 608.100, effective JUN 26 1984)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping

2) Code Citation: 17 Ill. Adm. Code 570

3) Section Numbers: Adopted Action:
570.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4248

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 570.40(c), Lake Shelbyville was removed

In Section 570.40(a)(4), language in parenthesis regarding "publicly announced" was removed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments include opening four additional sites to furbearer and woodchuck trapping and expanding furbearer and woodchuck trapping at one site.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430

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Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,

RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)

TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 14770, effective June 24, 1997.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within assigned areas.
- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and

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the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

- 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.

- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Rend Lake Project Lands and Waters (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

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Coffeen Lake State Park

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

East Conant Field

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

Kidd Lake State Natural Area

Lake-Shelbyville-Bagie-Creek-Wildlife-Management-Area

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

Little Vermillion River State Natural Area

Mernnet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Panther Creek Conservation Area

Peabody River King Fish and Wildlife Area (east, west, and south subunits only west-subunit-only)

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

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Sanganois Fish and Wildlife Area

Sato Field

Site M (only Egg Traps (Registered Trademark), D-P (Dog Proof) Traps (Registered Trademark), box traps, cage traps, and traps of similar design may be used)

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park-Madison County

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area

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Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife Area

Spring Lake Conservation Area

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

1) All regulations shall be according to species regulations as provided for in this Part.

2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.

3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 21 Ill. Reg. 004, effective July 24, 1997)

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1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers: 550.30
Adopted Action:
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) Effective Date of Rulemaking: June 26 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4255

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 550.30(f), the semi-colon following "site" was put back in. In Section 530.(g), Lake Shelbyville was deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part allow furbearer and woodchuck hunting at five additional sites and close fox hunting at one site.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787

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- c) site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
.22 rifle firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

Johnson Sauk Trail State Park (archery only; coyote and fox only;

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season shall coincide with archery deer season on this site)

Kaskaskia River State Fish and Wildlife Area (Doza Creek waterfowl Management Area closed 7 days prior to and during duck season)

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season; coyote opens with fox season - February 28; hunting hours 1/2 hour before sunrise - sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes November 30 in area A; all hunting closes December 15 in area C)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

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Siloam Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Wittowsky State Wildlife Area (coyote and-fox only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site;-coyote--only during--firearm-deer-season)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

9) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in 550.30(b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Crawford County Conservation Area

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (all hunting begins on the day after upland game season; raccoons, opossum and fox close with statewide season; skunk and coyote close the last day of February)

Hamilton County Conservation Area

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Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (sunrise to sunset only; shotgun only)

~~Lake-Shelbyville~~---~~Eagle-Creek-Wildlife-Management-Area~~

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Little Vermillion River State Natural Area

Middlefork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Sangchris Lake State Park (fox, coyote and skunk hunting only; statewide seasons for fox, coyote and stiped skunk except during waterfowl season only hunters pursuing waterfowl or upland game in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590 may take fox, coyote and skunk; shotgun only)

Sato Field

DEPARTMENT OF NATURAL RESOURCES

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Site M (statewide seasons for coyote and striped skunk)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Snowmobile Trail Establishment Fund Grant Program

2) Code Citation: 17 Ill. Adm. Code 3020

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3020.20	Amendments
3020.30	Amendments
3020.40	Amendments
3020.50	Amendments
3020.70	Amendments
3020.80	Amendments

4) Statutory Authority: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2.

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: March 21, 1997, 21 Ill. Reg. 3383

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 3020.70(e)(C), "land-owners" was changed to "landowners".

In Section 3020.70(f), "Section" was added before "3020.70".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part include changing the application date from March 1 to a date to be announced by the Department; modifying the funding assistance formula to remove the restriction on grant award amounts and make equipment repairs eligible; raising the minimum required liability insurance; and changing the announcement dates to reflect current 180 day average.

16) Information and questions regarding these adopted amendments shall be

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 9: GRANTS

PART 3020
SNOWMOBILE TRAIL ESTABLISHMENT
FUND GRANT PROGRAM

Section	
3020.10	Program Objective
3020.20	Program Eligibility Requirements
3020.30	Funding Assistance Formula
3020.40	General Procedures for Grant Applications and Awards
3020.50	Eligible Project Expenditures
3020.60	Project Evaluation Criteria/Priorities
3020.70	Program Compliance Requirements
3020.80	Program Information

AUTHORITY: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].

SOURCE: Adopted and codified at 7 Ill. Reg. 198, effective December 22, 1982; amended at 7 Ill. Reg. 14964, effective November 1, 1983; amended at 11 Ill. Reg. 12869, effective July 28, 1987; amended at 16 Ill. Reg 1833, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. ~~9485~~ effective July 28, 1993.

Section 3020.20 Program Eligibility Requirements

Agencies eligible for financial assistance through the Snowmobile Trail Establishment Fund, hereafter referred to as STEF grant program, include any private snowmobile club or organization in Illinois having not-for-profit incorporation status with the State. Clubs/organizations seeking financial assistance through the grant program must also possess minimum liability insurance coverage of \$1,000,000 \$100-000-per-person/\$300-000 per occurrence on the snowmobile facilities to be operated under the scope of the proposed project application. STEF funds may only be awarded and used for snowmobile projects located within the state boundaries of Illinois.

(Source: Amended at 21 Ill. Reg. 0685, effective July 28, 1993)

Section 3020.30 Funding Assistance Formula

The STEF grant program shall operate on a 100% reimbursement basis of total eligible project costs with the stipulation that no more than \$7500 or ten percent--(10%)--of the program's--annual available appropriation--whichever is

DEPARTMENT OF NATURAL RESOURCES

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less--can-be-awarded-to-any-single-project-or-county-unless-the-annual--program appropriation-exceeds-the-total-amount-of-local-grant-requests.

(Source: Amended at 21 Ill. Reg. 008.07 = 3 effective 1/1/2007)

Section 3020.40 General Procedures for Grant Applications and Awards

- a) Requests for funding assistance through the STEF grant program may be made through written application to the Illinois Department of Natural Resources, hereafter referred to as the Department. Necessary application forms and instructions are available through the Department.
- b) To be eligible for funding consideration, project applications must be submitted to the Department's Division of Grant Administration. The application deadline will be publicly announced by the Department ~~technical--Services--no--later--than--March--1--of--each--calendar--year.~~ Notice of grant awards are generally announced within 180 to 120 days after the application submission deadline date. Awarding of grants is made solely under the authority and directive of the Director of the Department.
- c) Grant Applications shall consist of the following basic components:
 - 1) Completed Application Forms;
 - 2) Copy of Club's Articles of Incorporation papers;
 - 3) Project Narrative Statement describing the project concept, location, need for and objectives of the project, anticipated benefits and approach for accomplishing the project;
 - 4) Location Map showing general location of proposed snowmobile facility and how the facility ties in with other public snowmobiling areas, if any, in the county and other snowmobiling areas maintained by the project sponsor;
 - 5) Plat Map showing detailed location and dimension of property being proposed as a snowmobile trail/area under the scope of the project;
 - 6) Detailed Site Development Plan illustrating proposed project development;
 - 7) Environmental Assessment Statement briefly describing the physical characteristics of the area being proposed for development and the impact snowmobiling will have on the area;
 - 8) Sign-off letters from property owner(s) of land where snowmobile facility is proposed indicating approval/cooperation with project; or copy of signed property lease;
 - 9) A Public Hearing soliciting public comment on the proposed project is required. Minutes of the hearing, as well as all written comments received, must be submitted to the Department as part of the application. Notice for the hearing must be advertised in a local newspaper of general circulation at least seven-(7) days prior to the date of the hearing; and

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10) Proof of Liability Insurance.

(Source: Amended at 21 Ill. Reg. 008.07 = 3 effective 1/1/2007)

Section 3020.50 Eligible Project Expenditures

- a) Grant assistance may be obtained for, but not limited to, the purchase of the following items or materials necessary to construct such items:
 - 1) trail signs;
 - 2) trail fencing;
 - 3) trail groomers;
 - 4) bridges or fence traversing ramps (must be portable);
 - 5) parking facilities;
 - 6) warming shelters/restrooms (facility must be located on public park land);
 - 7) equipment rental necessary for facility construction; and
 - 8) other (considered ~~considered~~ on a case-by-case basis).
- b) Grant assistance may be obtained for annual trail maintenance costs as authorized by the Department to cover fuel and necessary oils/fluids, vehicle insurance, equipment repairs, and routine maintenance parts directly associated with the operation and transporting of STEF-assisted grooming equipment while maintaining designated trails open to the general public for snowmobile use.
- c) It is the Department's policy that the STEF grant program be used to assist local snowmobile clubs purchase necessary materials for development and maintenance of snowmobile facilities. Labor necessary for project completion and maintenance shall be the sole responsibility of the project sponsor utilizing donated volunteer labor. No funding assistance will be provided for club member project labor costs associated with an approved project.
- d) No grant assistance will be awarded to projects which, either in whole or in part, will not be open to the general public for snowmobile use. If the project sponsor so chooses, use of the project facilities can be restricted to only those snowmobilers who can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.

(Source: Amended at 21 Ill. Reg. 008.07 = 3 effective 1/1/2007)

Section 3020.70 Program Compliance Requirements

- a) Grants awarded through the STEF grant program shall be for a period not to exceed 18 months ~~one-year~~. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department ~~within one-year--from-the-date-of-official-grant-award-notification.~~

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b) All equipment/materials purchased through the STEF grant program utilized on private property shall be subject to repossession by the Department and shall be reclaimed upon the dissolution of the project sponsor or as a result of project sponsor non-compliance with program regulations as stated herein.

c) With the exception of designated snowmobile routes on township roads, all snowmobile facilities developed with assistance from the STEF shall be posted with a liability disclaimer permanent warning sign at ingress/egress points to the facility that warns snowmobilers they use the facility at their own risk. which shall, at a minimum, be worded as follows:

"Snowmobilers use this facility at their own risk. The landowner and other organizations and individuals involved in the development of this facility do not confer upon any facility user the legal status of invitee to whom a duty of care or responsibility is owed and shall in no way be held liable for any injuries or damages resulting from its use."

d) With the exception of designated snowmobile routes on township roads, it shall be the sole responsibility of the project sponsor to adequately patrol the STEF-assisted facility to insure proper usage of the facility and user compliance with all State and local snowmobiling regulations. Failure of the project sponsor to take corrective measures, which bring the facility into compliance with this part, to help remedy complaints lodged by local citizens concerning misuse of STEF-assisted facilities shall be grounds for rescission of Department participation in the project.

e) For projects proposing permanent land/facility improvements, such as warming shelters, picnic shelters, bridges, and parking lots, it shall be necessary for the project sponsor(s) to possess/obtain signed "letters of agreement" or "leases" from all property owners directly associated with the development of STEF-assisted facilities which shall, at a minimum, stipulate the following terms:

1) General

A) The effective dates of the agreement/lease which shall, at a minimum, be for a 4 four month period from December 1 to April 1 for 2 two consecutive years.

B) A precise description of the property to be covered under the terms of the agreement/lease for snowmobiling use.

C) If applicable, the agreed upon rental/lease fee to be paid the landowner in consideration for use of the designated property. PLEASE NOTE that any private landowner who accepts a valuable consideration in return for opening his/her land for public snowmobiling purposes jeopardizes the possibility for limited liability protection afforded under the Snowmobile Registration and Safety Act [625 ILCS

40/5-1(I) and (J)] State statute (Ill. Rev. Stat. 1989, ch. 95-172, par. 605-1-1(f) and (g)} to private landowners and owners who open their lands to snowmobiling for no

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valuable consideration.

D) The agreement/lease is non-revocable by the landowner unless terms of the agreement/lease are violated by the club or excessive vandalism by snowmobile users is evident. Should either the project sponsor or landowner wish to terminate the agreement/lease for any reason prior to the expiration date, the Department must be notified and made a party to the negotiations for termination.

2) Permittees (landowners) Acknowledgements

A) Permittee agrees that the described property in the agreement/lease will be open to the general public for snowmobile purposes regardless of race, sex, color, creed or national origin.

B) During the terms of the agreement/lease, the permittee shall not utilize, make alterations to, further sublet or in other ways legally encumber the designated premises or parts thereof so as to interfere with the intended snowmobiling use of the property.

C) Permittee shall not post "no trespassing" or other restrictive use signs on the described property at any time during the terms of the agreement/lease.

D) Permittee shall be allowed to restrict snowmobile use on the described property during the terms of the agreement/lease only when:

- i) snowcover is less than 4 inches four-inches-44,
- ii) there is evidence of continued facility misuse or damage to the designated property by snowmobilers,
- iii) it is judged that conditions of the facility jeopardize user safety.

E) Permittee agrees that all materials/equipment used to make improvements to or mark the designated property for snowmobiling use shall remain the property of the permittee and State of Illinois and shall be reclaimed/removed at the termination of the agreement/lease.

F) Permittee agrees to hold harmless permittee, its officers and members, and the State of Illinois and its agents from any and all claims, demands, judgments, and executions which may arise as a direct or indirect result of this agreement/lease or actions taken in reliance thereupon.

G) Permittee in no way implies or assures through the execution of this agreement/lease that the designated property is safe for snowmobile use; or confers upon any trail user the legal status of invitee to whom a duty of care is owed; or assumes liability responsibility for injury to person/property caused through snowmobile use of the designated property.

3) Permittees (snowmobile club) Acknowledgements

A) To restrict snowmobiling on the Permittee's property to those areas specifically designated for that purpose in the

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- agreement/lease.
- B) To make only those improvements or trim and cut only those trees and shrubs on the designated property as approved by the property owner. It is further understood that all damage to fencing or other personal property of the property owner as a result of facility development or usage shall be repaired by the permittee to pre-damage condition upon termination of the agreement/lease or request of the property owner.
- C) To post necessary trail signs to insure safe and proper snowmobile usage of the designated property and remove them, as requested, upon termination of the agreement/lease or snowmobiling season.
- D) To patrol and use all reasonable measures to promote safe and proper snowmobile usage of the designated property and to prevent the deposit of litter upon said property by users and to remove such litter that may be deposited.
- F) All Leases/Letters of Agreement must be submitted to the Department, and must be consistent with subsection (e) of this Section 9020-70(e) prior to consideration for STEF grant assistance. Upon the expiration or termination of a lease agreement which causes relocation of project facilities, the Department shall be notified as to the location of the new facility site.
- G) During all times of operation of a STEF-assisted snowmobile facility, the project sponsor must possess, in current force, its Charter papers proving Not-for-Profit corporation status with the State of Illinois, and must possess insurance protection providing a minimum of \$1,000,000 \$100,000/\$300,000 liability coverage.
- H) The project sponsor must possess the resource capabilities to:
- 1) Initially finance 100% of the total cost prior to grant reimbursement; and
 - 2) Properly maintain and operate the fund-assisted snowmobile facility after project completion.
- I) Documents required at the time of final billing for grant reimbursement on a project include the following:
- 1) a signed "Billing Request" Form that itemizes specific project costs and contains a certification statement verifying project expenditures;
 - 2) copies of receipts/invoices for all approved project costs incurred in completing the project for which reimbursement is claimed;
 - 3) copies of cancelled checks showing proof of payment; and
 - 4) "as-built" drawings for the completed project.
- (Note: It shall be understood by the project sponsor that 45-60 days are required by the Department to disburse grant reimbursement funds to local project sponsors after receipt of an acceptable "Billing Request" submittal in compliance with the above listed items.)

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- J) All financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of 5 three years after final reimbursement payment is made by the Department.
- K) The project sponsor must permanently post at the project site a STEF grant program acknowledgement sign. The required acknowledgement sign will be furnished by the Department.
- L) All work specifications must be submitted by the project sponsor to the Department upon request for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered structural engineer.
- M) Department representatives shall have access to STEF-assisted project sites at any time during construction to assess project progress and during facility operation to ensure compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative personnel prior to approval of final reimbursement payment to the local project sponsor.
- N) The sponsoring agency shall identify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of STEF-assisted snowmobile facilities.
- O) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance of STEF-assisted snowmobile facilities, sponsoring agency agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
- 1) Illinois Department of Transportation: Division of Highways and Division-of-Water-Resources,
 - 2) Illinois Department of Natural Resources: Division of Water Resources,
 - 3) Illinois Environmental Protection Agency,
 - 4) U.S. Army Corp of Engineers,
 - 5) Local building, zoning or roadway boards/commissions.
- P) The project sponsor must comply with and abide by the following Operation and Maintenance provisions:
- 1) The charging of user fees for general public use of STEF-assisted snowmobile facilities is prohibited.
 - 2) All STEF-assisted snowmobile facilities shall be operated, maintained and utilized for general public use in such a manner as to maximize the facility's intended benefits.
 - 3) The sponsoring agency shall satisfactorily maintain STEF-assisted snowmobile facilities so as to promote the safe and enjoyable use of the facility by the snowmobiling public.
 - 4) All snowmobiling trails/facilities developed, improved and/or maintained as a result of STEF grant assistance must be open and

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available to general public use and enjoyment without regard to sex, race, color, creed or national origin--sex--age--or disability.

5) Department personnel shall have access to STEF-assisted facilities at all times for inspection purposes to ensure continued compliance with program regulations.

q) All funds administered by the Department under the STEF grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.

r) The Department may unilaterally rescind project agreements at any time prior to commencement of the project, if the Department experiences a funding problem or the applicant demonstrates non-compliance with this Part part. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.

s) Failure by the local project sponsor to comply with any of the herein cited program regulations and terms shall be cause for the suspension of all STEF grant assistance obligations and/or repossession of project equipment/material obtained thereunder, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor.

(Source: Amended at 21 Ill. Reg. 62701-1787, effective 6/1/87)

Section 3020.80 Program Information

Write: Illinois Department of Natural Resources
Division of Grant Administration ~~Technical Services~~

Lincoln Tower Plaza
524 South Second Street
Springfield, Illinois 62701-1787

Telephone: 217/782-7481

(Source: Amended at 21 Ill. Reg. 62701-1787, effective 6/1/87)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Squirrel Hunting

2) Code Citation: 17 Ill. Adm. Code 690

3) Section Numbers: Adopted Action:
690.30 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4263

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to open additional sites to hunting and add language allowing only non-toxic shot in waterfowl areas at three sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 690

SQUIRREL HUNTING

Section

690.10 Hunting Seasons

690.20 Statewide Regulations

690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. ~~9690~~, effective

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

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Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR BGE issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhurst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

Kidd Lake State Natural Area

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Kinkaid Lake Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Marmet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Peabody River King State Fish and Wildlife Area (east and north subunits closed, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes November 30 in Area A; closes December 15 in Area C) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (1)

Sanganois State Fish and Wildlife Area (1)

Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)

Stephen A. Forbes State Park (2)

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Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Wildcat Hollow State Forest (1)

Witkowski State Wildlife Area (opens after second firearm deer season) (closes September-30) (2)

e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park - Fern Clyffe Hunting Area (2)

Giant City State Park

Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

Siloam Springs State Park (2)

f) Season dates shall be the day after Labor Day to September 30 at the following sites:

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession

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while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area

East Conant Field (1)

Fox Ridge State Park (1)

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek State Park

Lake Shelbyville - Eagle Creek Wildlife Management Area (1)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (1)

Little Vermillion River State Natural Area

Middlefork Fish and Wildlife Area (season opens day after Labor Day)

Moraine View State Park

Mt. Vernon Game Propagation Center (closes September 30)

Ramsey Lake State Park

Sato Field (1)

Site M (the Quality Unit and Controlled Unit close October 31) (1)

Ten Mile Creek Fish and Wildlife Area (1)

h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

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Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Woodford County Fish and Wildlife Area (2)

i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing; non-toxic shot only) (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season

2) Code Citation: 17 Ill. Adm. Code 720

3) Section Numbers: Adopted Action:
720.10 Amendments
720.20 Amendments
720.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4271

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to open four new counties to hunting; change the issuance of fall archery turkey permits from a mail-in system through the Permit Office to an over-the-counter system through local vendors; and open new sites to hunting.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

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The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

- 720.10 Hunting Seasons and Counties Open to Hunting
 720.20 Statewide Turkey Permit Requirements
 720.25 Turkey Permit Requirements - Landowner/Tenant Permits
 720.30 Turkey Hunting Regulations
 720.40 Regulations at Various Department-Owned or -Managed Sites
 720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650.

b) Open Counties:

Adams	Marion
Alexander	Marshall
Bond	Mason
Brown	McDonough
Bureau	Menard
Calhoun	Mercer
Carroll	Monroe
Cass	Montgomery
Clark	Morgan

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Clay	Ogle
Clinton	Peoria
Coles	Perry
Crawford	Pike
Cumberland	Pope
Effingham	Pulaski
Fayette	Putnam
Fulton	Randolph
Gallatin	Richland
Greene	Rock Island
Grundy	Saline
Hamilton	Schuyler
Hancock	Scott
Hardin	Shelby
Henderson	St. Clair
Henry	Stephenson
Jackson	Tazewell
Jasper	Union
Jefferson	Vermilion
Jersey	Warren
Jo Daviess	Washington
Johnson	Wayne
Knox	Whiteside
LaSalle	Williamson
Lawrence	Winnebago
Lee	Woodford
Macoupin	Madison

(Source: Amended at 21 Ill. Reg. 9102, effective

Section 720.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain an archery "Wild Turkey Hunting Permit" from--the Department--of--Natural--Resources for a fee of \$5.00. Non-resident turkey hunters shall be charged \$50.00 for wild turkey hunting permits. Paid archery turkey permits are only available over-the-counter (OTC) from license vendors located throughout the State. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Applications for wild-turkey permits must be mailed to:

Department of Natural Resources---Fall Archery-Wild Turkey Permit
 524-S--Second-Street--Room-210
 P.O.-Box-19446
 Springfield, Illinois-62794-9446

- b) Applicants must complete all portions of the permit application--form--

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- incomplete--applications--will--be--rejected--and--fees--returned.--Each applicant must submit a personal check--or--money--order--for--his/her individual--application--Applicants--submitting--applications--within three--weeks--of--the--season--will--not--be--guaranteed--receipt--of--permit--by start--of--season--
- e) Applications will be accepted beginning the first workday after July 4. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.
- b) Hunters purchasing an archery turkey permit must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- c) An individual may purchase only one archery turkey permit per season. Permits are not transferable and refunds will not be granted.
- d) A \$3.00 service fee will be charged for replacement permits issued by the Department except when permits are lost in the mail--then--there will be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- e) It shall be unlawful to:

- 1) Purchase or attempt to purchase more than one archery turkey permit Submit more than one application for the same person.
- 2) Provide false and/or deceptive information to a vendor when purchasing a permit on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 21 Ill. Reg. 6162, effective _____)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

* Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Beaver Dam State Park (2)

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Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Castle Rock State Park (1)

Chauncey Marsh (2) (permit available at Red Hills State Park)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area

East Conant Field (2)

Ferne Clyffe State Park

Fort de Chartres Historic Site

Franklin Creek State Park (1)

Giant City State Park

Green River State Fish and Wildlife Area (no hunting Wednesday through Sunday during the controlled pheasant hunting season) (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

I-24 Wildlife Management Area

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (2)

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy-154 east of the Kaskaskia River and south of Risdon School

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Road-and-Beck's-banding-access-road

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest (1)

Mackinaw Fish and Wildlife Area (1)

Marseilles Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)

Marshall State Fish and Wildlife Area (2)

Middlefork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C)

* Red Hills State Park (1)

* Rend Lake State Fish and Wildlife Area

Saline County Conservation Area (1)

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* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

Sanganosis State Fish and Wildlife Area

Sato Field (2)

Siloam Springs State Park

Site M (2)

Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - firing line unit - Statewide, season, Public Hunting Area October 1-25 days prior to the opening of goose season, reopens with the close of the Quota Zone goose season

Washington County Conservation Area (1)

Weinburg-King State Park

Wildlife Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Numbers: Adopted Action:
715.10 Amendments
715.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register:
April 4, 1997; 21 Ill. Reg. 4279

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:
In Section 715.40(d), "Any additional regulation" was changed to "Availability and the language in parenthesis was removed."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

This Part was amended to open new counties to hunting; change regulations and application procedures at various sites; and add provisions for a special program for hunters with disabilities at Rock Cut State Park.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jack Price
Address: Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Telephone: 217/782-1809

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

- Section
 715.10 Hunting Season, Open Counties and Permit Quotas
 715.20 Statewide Turkey Permit Requirements
 715.21 Turkey Permit Requirements - Special Hunts
 715.25 Turkey Permit Requirements - Landowner/Tenant Permits
 715.30 Turkey Hunting Regulations
 715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 10110, effective June 26, 1997.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
 b) Open Counties

OPEN COUNTIES

Adams
 Alexander
 Brown
 Calhoun
 Carroll
 Cass
 Gallatin/Hardin (south of Rt. 13 only)
 Greene
 Hancock
 Henderson
 Jackson
 Jersey
 Jo Daviess
 Johnson

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Macoupin
 Marion
 McDonough
 Monroe
 Pike
 Pope (north of Rt. 146 only)
 Randolph
 Saline
 Schuyler
 Scott
 Stephenson
 Union
 Whiteside
 Williamson
 Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 21 Ill. Reg. 10110, effective June 26, 1997)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)
 Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pool 18 (Henderson County only)

Mississippi River Pools 21, 22, 24

Panther Creek Conservation Area

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

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Cache River State Natural Area (Johnson County portion only)

Cypress Pond State Natural Area

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

I-24 Wildlife Management Area

Kinkaid Lake Fish and Wildlife Area

Mississippi-River-Pool-to-Henderson-County-only

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area-Firing Line Management Unit Only

Weinburg-King State Park

Witkowsky-State-Wildlife-Area

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Sato Field

Site M

Witkowsky State Wildlife Area

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- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt. Permits will be \$15.00 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

(Source: Amended at 21 Ill. Reg. C 1 1 1 1, effective 11/1/2011)

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- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) Section Numbers: Adopted Action:
650.20 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Rulemaking: June 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 26, 1997
- 9) Notice of Proposal Published in Illinois Register: March 28, 1997, 21 Ill. Reg. 3817
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
In Section 650.20(j)(1), "agency" was changed to "Department".
In Section 650.20(j)(2), "state" was capitalized.
In Section 650.20(1), the spelling of "transferrable" was corrected and "(Department)" was removed.
In Section 650.20(m), "three dollar" was removed and "(3.00)" changed to "\$3.00".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language indicating that no individual may apply for or receive more than 2 either-sex permits for the 1997 season.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

- Section
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements - Landowner/Tenant Permits
650.22 Deer Permit Requirements - Special Hunts
650.23 Deer Permit Requirements - Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective December 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 5572, effective July 2, 1998.

Section 650.20 Statewide Deer Permit Requirements

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- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). Deer permit fees for non-resident firearm deer hunters shall be \$100.00 for each either-sex ~~eligible~~ firearm permit and \$25.00 for each antlerless-only permit. No individual may apply for or receive more than 2 either-sex permits (including landowner either-sex firearm permits, full-season either-sex firearm permits, second-season either-sex firearm permits, and either-sex muzzleloading permits) for use during all gun deer seasons (both firearm and muzzleloading). A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex ~~eligible~~ permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. These counties will be identified prior to the second random daily drawing, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources

(Firearm or Landowner/Tenant or Non-Resident)

Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

Springfield, Illinois 62794-9227

- b) Applications from residents will be accepted through the last weekday in April of the current year. Applications received after the last weekday in April will not be included in the lottery. Permits will be allocated in a computerized random drawing in which only one choice of hunt area or county will be considered. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex ~~eligible~~ and one antlerless-only permit shall be issued per person. Applicants for free or paid landowner/tenant permits are not eligible to participate in the lottery or the first random daily drawing period. Landowners who receive permits in the lottery or first random daily drawing period are not eligible for landowner permits.
- c) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- d) Applicants must check the antlerless-only box and enclose an additional \$15.00 (\$25.00 for non-residents) if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 1 and ending on the tenth weekday in August of the current

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year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the first daily drawing. A list of unfilled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season. A maximum of one either-sex eligible and one antlerless-only permit shall be issued per person.

f) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day.

g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to the last weekday in April of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.

h) Applications for non-resident firearm permits will be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing. Applications received prior to August 1 will be processed in the first daily drawing.

i) There will be an application period which starts September 1 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second-season antlerless-only permits shall be issued to successful applicants that have either full-season or second-season either-sex eligible permits in the county applied for. Applicants submitting applications after October 24 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September 1-Multiple Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the firearm deer permit application.

j) Hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from the previous year who did not receive an

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either-sex permit due to the counties of their choice being full or to applicants that received, in the previous year, a second season either-sex eligible permit in the lottery only. In order to be eligible for lottery preference, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the permit lottery:

1) The applicant must apply using the official Department agency application.

2) The applicant must be a resident of the State state, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

3) The applicant must apply for the same county or choice which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

k) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.

l) Permits are not transferrable. Refunds will not be granted, unless the Department of Natural Resources (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

m) A ~~three-dollar~~ \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3) Section Numbers: 660.20
Adopted Action: Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

5) Effective Date of Rulemaking: June 26, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 26, 1997

9) Notice of Proposal Published in Illinois Register: March 28, 1997, 21 Ill. Reg. 3823

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 660.20(d), "subsection (e) below" was replaced with "Section 660.20(e)".

In Section 660.20(l), "(Department)" was removed.

In Section 660.20(m), "three dollar (\$3.00)" was changed to "\$3.00".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to add language indicating that no individual may apply for or receive more than 2 either-sex permits; add language indicating that except in counties that are specially designated for more intensive removal of does in a given year, applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area; and add language that these counties will be identified

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prior to the second random daily drawing, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

- 660.10 Statewide Season and Permit Quotas
- 660.20 Statewide Deer Permit Requirements
- 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
- 660.22 Deer Permit Requirements - Special Hunts
- 660.25 Deer Permit Requirements - Group Hunt
- 660.30 Statewide Muzzleloading Rifle Requirements
- 660.40 Statewide Deer Hunting Rules
- 660.45 Reporting Harvest
- 660.50 Rejection of Application/Revocation of Permits
- 660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 6122, effective 11/24/99.

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). Muzzleloading rifle deer permit fees for non-residents shall be \$100.00 for each either-sex muzzleloading permit and \$25.00 for each antlerless-only permit. No individual may apply for or receive more than 2 either-sex permits (including landowner either-sex firearm permits, full-season either-sex firearm permits, second-season either-sex firearm permits, and either-sex muzzleloading permits) for use during all gun deer seasons (both firearm and muzzleloading). A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more

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intensive removal of does in a given year. These counties will be identified prior to the second random daily drawing, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

- b) Applications from residents shall be accepted through the last weekday in April of the current year. Applications received after the last weekday in April shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which only one choice of hunt area or county shall be considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- d) Permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning August 1 and ending on the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning September 1. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).
- f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one

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day shall not be processed until all applications received for that day are mixed. All applications received on a specific day shall be processed before processing applications received for a subsequent day.

- g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to the last weekday in April of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.

- h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing.

- i) There will be an application period which starts September 1 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits for that county. Applicants submitting applications after October 24 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "September 1-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the muzzleloading rifle deer permit application.

- j) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.

- 1) The applicant must apply using the official agency preprinted data-mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choice which he/she listed on the previous year's application.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

- k) Applications shall be accepted at the counter window of the permit

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- l) Office; however, permits shall be mailed. Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

- m) A three-dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

- n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 21 Ill. Reg. 612.2, effective 04/26/03)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Handguns
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) Section Numbers: Adopted Action:
680.20 Amendments
680.50 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Rulemaking: June 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 26, 1997
- 9) Notice of Proposal Published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4285
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 680.20(1), "three dollars (\$3.00)" was changed to "\$3.00".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part eliminate the need for hunters to record their Firearm Owner's Identification number, hunting license number, and physical description on the deer hunting permit; and allow hunters to tag deer on the head instead of the leg to facilitate handling by the taxidermist.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

Section

- 680.10 Statewide Season
- 680.20 Statewide Deer Permit Requirements
- 680.30 Deer Permit Requirements - Group Hunt
- 680.40 Statewide Handgun Requirements for Deer Hunting
- 680.50 Statewide Deer Hunting Rules
- 680.60 Reporting Harvest
- 680.70 Rejection of Application/Revocation of Permits
- 680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 10906, effective August 5, 1996.

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Natural Resources
(Handgun Deer Season)

Deer Permit Office

524 South Second Street, Room 210

Post Office Box 19227

Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through the tenth weekday in November for the Handgun Deer Season in the following January. Applications post-marked after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in

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the drawings.

- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- g) Recipients of the Handgun Deer Hunting Permit shall record their signature--~~Firearm-Owner's--Identification--number--(unless--empty-- hunting--license--number--(unless--empty)--and--physical--description on the permit and must carry it on their person while hunting.~~
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A ~~three-dollar~~ \$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 21 Ill. Reg. 10906, effective August 5, 1996)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check

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station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest ~~the--leg~~ tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist, ~~furbuyer, or tanner~~ for processing must supply the taxidermist, ~~furbuyer, or tanner~~ with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, ~~furbuyer, or tanner~~ may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

c) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferable).

d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 21 Ill. Reg. 6128, effective

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Access to and Eligibility for Day Care Services
- 2) Code Citation: 89 Ill. Adm. Code 303
- 3) Section Numbers: Emergency Action:
303.1 Repeal
303.2 Repeal
303.3 Repeal
303.4 Repeal
- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505]
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: Responsibility for employment related child care programs will be transferred to the Department of Human Services (DHS) effective July 1, 1997. The Department of Children and Family Services is repealing Part 303 so there will be no confusion with regard to which State agency is responsible for determining eligibility for child care services, assessing co-payments toward the cost of child care, or the sources and types of income to be applied toward the cost of child care.
- 9) A Complete Description of the Subjects and Issues Involved: Effective July 1, 1997, the Department of Human Services is the State agency responsible for administering the subsidized child care program and assessing eligibility for child care. These emergency amendments repeal the Department of Children and Family Services' authority to assess eligibility for child care services. The Department of Human Services will adopt rules pertaining to child care services in accordance with Public Act 90-0017.
- 10) Are there any proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #55

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEALER

Springfield, Illinois 62701-1498

217/524-1983

TDD: 217/524-3715

The full text of the emergency repealer begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY REPEALER

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 303

ACCESS TO AND ELIGIBILITY FOR DAY CARE SERVICES (REPEALED)

Section

303.1 Purpose

EMERGENCY

303.2 Definition

EMERGENCY

303.3 Day Care Eligibility

EMERGENCY

303.4 Income Considerations for Department Funded Day Care

EMERGENCY

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and implementing Block Grants (45 CFR 96.1, 96.2, 96.3), Social Services Amendments of 1974 (42 U.S.C. 1397-1397e) and the Social Services Block Grant Act (P.L. 97-35).

SOURCE: Adopted and codified at 7 Ill. Reg. 3432, effective April 1, 1983; Part repealed by emergency rulemaking at 21 Ill. Reg. ~~6133~~, effective July 1, 1997, for a maximum of 150 days.

Section 303.1 Purpose

EMERGENCY

These rules describe eligibility requirements and income considerations for day care services provided through the Department's funded day care program.

Section 303.2 Definition

EMERGENCY

"Day care" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 (Ill. Rev. Stat. 1981, ch. 23, par. 2211 et. seq.), in facilities exempt from licensure, in the home(s) of relatives, or in their own homes.

Section 303.3 Day Care Eligibility

EMERGENCY

a)

- 1) Anyone may apply to the Department of Children and Family Services, Regional and Field offices for child day care services. The applicant(s) must provide information which indicates that the delivery of day care services is necessary for one or more of

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NOTICE OF EMERGENCY REPEALER

the following reasons:

- A) parents are away from home during part of the day due to employment or training; or
- B) parents are unable to care for the child due to illness; or
- C) care away from the home for part of the day is essential for the safety and well-being of children and the welfare of the parent; or
- D) the parents' ability to care for the children at home during certain hours of the day is impaired; or
- E) a child with special developmental needs will benefit from day care.

2) A determination concerning eligibility shall be made within 30 days from the date of application. The applicant shall be notified concerning eligibility within 15 days after the determination and no later than 45 days after the date of application. Pursuant to 89 Ill. Adm. Code 309, Review and Appeal Process, applicants may appeal the denial of day care services or any other issue relating to such services.

b) For families to be eligible to receive day care they must demonstrate that the day care service meets one or more of the following Title XX Social Service Block Grant (42 U.S.C. 1397-1397e), service goals:

- 1) Goal 1--Achieving or maintaining economic self-support to prevent, reduce or eliminate dependency.
- 2) Goal 3--Preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families.
- 3) Goal 4--Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

c) Department funded day care is provided for the children of eligible families in licensed day care homes, in licensed day care centers, in their own homes, in the homes of relatives, or in homes not subject to licensure.

Section 303.4 Income Considerations for Department Funded Day Care

EMERGENCY

a) Applicants who apply for Department funded day care shall be required to pay all or part of the day care costs, in accordance with the Department's fee schedule published in 89 Ill. Adm. Code 352, Financial Responsibility of Parents or Guardians of the Estates of Children, Appendix A.

b) When calculating the family's adjusted gross annual income, the following income sources are included:

- 1) money, wages and salary;
- 2) net income from farm self-employment;
- 3) net income from non-farm self-employment;
- 4) dividends, interest, net rental income and royalties;

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- 5) pensions and annuities;
- 6) alimony;
- 7) child support;
- 8) ongoing monthly adoption assistance payments from the Department;
- 9) veterans' pension;
- 10) unemployment compensation;
- 11) worker's compensation;
- 12) public assistance and welfare payments;
- 13) social security payments, including pensions; and
- 14) survivor's benefits, permanent disability payments, and railroad retirement benefits from the Federal government.

c) When calculating the family's adjusted gross annual income the following income sources are not included:

- 1) per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;
- 2) payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to the extent such payments are exempt from taxation under section 21(a) of the Act (43 U.S.C. 1620 (a));
- 3) money received from sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property in which case the net proceeds would be counted as income from self-employment);
- 4) money borrowed;
- 5) withdrawals of bank deposits;
- 6) tax refunds;
- 7) gifts;
- 8) lump sum inheritances or insurance payments;
- 9) capital gains;
- 10) the value of the coupon allotment under the Food Stamp Act of 1964 (7 U.S.C. 2011 et seq.), as amended, in excess of the amount paid for the coupons;
- 11) the value of United States Department of Agriculture (USDA) donated foods;
- 12) the value of supplemental food assistance under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1751 et seq.);
- 13) any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 1437c, 1437d, 1437f, 3307, 4601, 4602, 4621-4638, 4651-4655, 49 U.S.C. 1606);
- 14) earnings of a child under 14 years of age;
- 15) loans and grants such as scholarships, obtained and used under conditions that preclude their use for current living costs;
- 16) any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the

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Commission of Education under the Higher Education Act of 1965 (Public Law No. 89-329, 79 Stat., 1219, as amended, codified at 20 U.S.C. 1001-1145c. and 42 U.S.C. 2753, 2756b);

- 17) home produce utilized for household consumption; and
 18) energy grants or allowances received through the Low-Income Energy Assistance Program authorized by The Home Energy Assistance Act of 1980 (Title III of Public Law 96-223; codified at 42 U.S.C. 8601 et seq.).

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Financial Responsibility of Parents or Guardians of the Estates of Children

- 2) Code Citation: 89 Ill. Adm. Code 352

- 3) Section Numbers: Emergency Action:

352.2 Amend

352.3 Amend

352.4 Amend

352.7 Amend

352.Appendix A Repeal

- 4) Statutory Authority: Children and Family Services Act [20 ILCS 505/9.1-9.9]

- 5) Effective Date of Amendments: July 1, 1997

- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

- 7) Date Filed in Agency's Principal Office: July 1, 1997

- 8) Reason for Emergency: Responsibility for employment related child care programs will be transferred to the Department of Human Services (DHS) effective July 1, 1997. The responsibility for assessing fees charged to parents for the provision of employment related child care services is also transferred to DHS, effective July 1, 1997, and the fee schedule will be adjusted in accordance with Public Act 90-0017. The Department of Children and Family Services is amending these rules and repealing Appendix A of this Part so there will be no confusion with regard to the State agency responsible for assessing and collecting parental fees for child care, as of July 1, 1997, or the fee schedule to be used.

- 9) A Complete Description of the Subjects and Issues Involved: Subsidized child care is available to persons who are employed or who are in training programs approved by the Department of Human Services. Parents will be required to make co-payments toward the cost of the day care services their children are receiving. The amount of the co-payment will depend upon the family's total income, family size, and number of children receiving care. Effective July 1, 1997, the Department of Human Services is the State agency responsible for administering the subsidized child care program and assessing parental co-payments toward the costs of child care. These emergency amendments repeal the Department of Children and Family Services' authority to assess child care fees. The Department of Human Services will adopt a schedule for assessing co-payments in accordance with Public Act 90-0017.

- 10) Are there any proposed amendments to this Part pending? No

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NOTICE OF EMERGENCY AMENDMENTS

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 352

FINANCIAL RESPONSIBILITY OF PARENTS OR GUARDIANS
OF THE ESTATES OF CHILDREN

Section

352.1 Purpose

352.2 Definitions

EMERGENCY

352.3 Services for Which Assessments Will Be Made

EMERGENCY

352.4 Notification and Determination of Responsibility

EMERGENCY

352.5 Initiation of Charges

352.6 Termination of Account Balances

352.7 Method of Billing, Remittance and Collection

EMERGENCY

352.8 Consideration of Other Benefits

352.9 Rights of Appeal

352.10 Parental Repayment Hearing

352.11 Hearing Decision

APPENDIX A

Schedule of Weekly Fees for Subsidized Child Care Programs
Income Eligibility 0-75% Median Income

EMERGENCY

APPENDIX B Substitute Care Fee Schedule (Repealed)

AUTHORITY: Implementing and authorized by Sections 4 and 9.1 through 9.9 of the Children and Family Services Act, [20 ILCS 505/9.1-9.9] and Section 6-9 of the Juvenile Court Act of 1987 [705 ILCS 405/6-9].

SOURCE: Adopted and codified at 5 Ill. Reg. 8654, effective September 1, 1981; amended at 7 Ill. Reg. 3175, effective April 1, 1983; emergency amendment at 7 Ill. Reg. 14534, effective October 19, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 1802, effective February 3, 1984; amended at 9 Ill. Reg. 2247, effective February 15, 1985; amended at 10 Ill. Reg. 17120, effective October 15, 1986; amended at 15 Ill. Reg. 11111, effective July 19, 1991; emergency amendment at 15 Ill. Reg. 13554, effective September 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3924, effective February 28, 1992; emergency amendments at 21 Ill. Reg. 0130, effective 01/01/93 for a maximum of 150 days.

Section 352.2 Definitions

EMERGENCY

"Custodial parent" as used in this Part means the natural or adoptive

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parent who has been designated by the court to take custody of a child when the parents are legally separated or divorced.

"Dispositional hearing" means the Juvenile Court hearing at which the judge, following adjudication, determines the subsequent care, custody and supervision of the child and what obligations are incumbent upon the parents.

"Exparte correction", as used in these rules, means a change made on behalf of the parent or guardian of the estate concerning their liability based on additional information provided by them to support a request for a redetermination or temporary reduction in charge.

"Liability" means the determination of monthly charges due the Department based on annual gross income and family size and the cost of services provided by the Department.

"Parents or guardian of estate" means both parents of a child for whom the Department is providing day-care or substitute care services, even if separated or divorced or the court appointed guardian of the estate of a child whose parents are deceased or disabled. As used, this also includes unmarried mothers over age 18 who are provided substitute care services.

"Prime Commercial Rate" means such prime interest rate as from time to time is publicly announced by the largest commercial banking institution located in this State measured in terms of total assets.

"Request for redetermination or temporary reduction in charge" means a petition by the parent, guardian of the estate or unmarried mother over 18 years of age requesting that the Department adjust the liability assessed by the Department.

(Source: Emergency amendment at 21 Ill. Reg. 0133, effective 11/1/97, for a maximum of 150 days)

Section 352.3 Services for Which Assessments Will Be Made

EMERGENCY

a) The Department shall assess liability for payment in the following instances:

1) Parents or guardians of the estates of children are liable for payment for day-care services provided by the Department in accordance with Appendix A except when such services are provided to migrant families or for child protective service reasons. When day-care services are provided for non-protective reasons, parents shall reimburse the day-care provider.

a) 2) Parents or guardians of the estates of children placed by or with the

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Department away from their parents in substitute care living arrangements for child protective or child welfare reasons are liable for payment to the Department (in accordance with Appendix B) for the substitute care services provided. No parental liability will be assessed for services to refugee unaccompanied minors. Parents or guardians of the estates shall not be assessed an amount which exceeds the cost that the Department has expended for the child's care. Liability for continuing substitute care services shall cease if parental rights are terminated either through court action or adoptive surrender.

b) 3) Pregnant females over 18 years of age and the parents of pregnant females under 18 years of age are liable for payment to the Department for substitute care services provided to the unmarried mother in accordance with Appendix B.

c) b) Charges shall not exceed the actual cost of the services provided and may be less than the cost of services provided.

(Source: Emergency amendment at 21 Ill. Reg. 0133, effective 11/1/97, for a maximum of 150 days)

Section 352.4 Notification of and Determination of Responsibility

EMERGENCY

a) Parents or guardians of the estates of children shall be notified of their rights and responsibilities concerning parental liability for charges when:

1) applying for day-care through the Region/field offices;

2) applying to a Title XX (Title XX of the Social Security Act as amended, 42 U.S.C. 1397 et seq.) funded day-care facility;

3) the child has been placed in substitute care and the Parental Determinations Unit has received the required information, reviewed all appropriate documents (submitted pursuant to subsection (e) below) and made an assessment of liability.

b) When parents are legally separated or divorced, both are liable for care and training charges based upon their individual income and family size but the amount of liability cannot exceed the child's cost of care. Child support payments which are received by custodial parent are considered income to the recipient in determining the proper assessment upon the custodial parent. A noncustodial parent who is paying child support pursuant to a court decree will be liable for the difference, if any, between the Department's monthly assessment upon the noncustodial parent and the amount of the monthly court ordered child support payment.

c) When parents are living apart, legally separated or divorced, and child support was not ordered, both parents shall be liable for the assessed amount. When the assessment exceeds the cost of care, both parents shall be liable for a share of the cost of care by determining

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 352.APPENDIX A Schedule of Weekly Fees for Subsidized Child Care Programs Income Eligibility 0-75% Median Income (Repealed)

EMERGENCY

Family-Size-2		Family-Size-3	
Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$ 0-11,500	\$-----25	\$-----0-13,700	\$-----25
-11,501-11,900	---1-00	-13,701-14,200	---1-00
-11,901-12,300	---2-00	-14,201-14,700	---2-00
-12,301-12,700	---4-00	-14,701-15,200	---4-00
-12,701-13,100	---6-00	-15,201-15,700	---6-00
-13,101-13,500	---8-00	-15,701-16,200	---8-00
-13,501-13,900	---10-00	-16,201-16,700	---10-00
-13,901-14,300	---12-00	-16,701-17,200	---12-00
-14,301-14,700	---14-00	-17,201-17,700	---14-00
-14,701-15,100	---16-00	-17,701-18,200	---16-00
-15,101-15,500	---18-00	-18,201-18,700	---18-00
-15,501-15,900	---20-00	-18,701-19,200	---20-00
-15,901-16,300	---22-00	-19,201-19,700	---22-00
-16,301-16,700	---24-00	-19,701-20,200	---24-00
-16,701-17,100	---26-00	-20,201-20,700	---26-00
-17,101-17,500	---28-00	-20,701-21,200	---28-00
-17,501-17,900	---30-00	-21,201-21,700	---30-00
-17,901-18,300	---32-00	-21,701-22,200	---32-00
-18,301-18,700	---34-00	-22,201-22,700	---34-00
-18,701-19,100	---36-00	-22,701-23,200	---36-00
-19,101-19,500	---38-00	-23,201-23,700	---38-00
-19,501-19,900	---40-00	-23,701-24,200	---40-00
-19,901-20,300	---42-00	-24,201-24,700	---42-00
-20,301-20,700	---44-00	-24,701-25,200	---44-00
-20,701-21,100	---46-00	-25,201-25,700	---46-00
-21,101-21,500	---48-00	-25,701-26,200	---48-00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Family-Size-4		Family-Size-5	
Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0-16,900	\$-----25	\$-----0-19,400	\$-----25
-16,901-17,500	---1-00	-19,401-20,100	---1-00
-17,501-18,100	---3-00	-20,101-20,800	---3-00
-18,101-18,700	---5-00	-20,801-21,500	---5-00
-18,701-19,300	---7-00	-21,501-22,200	---7-00
-19,301-19,900	---9-00	-22,201-22,900	---9-00
-19,901-20,500	---11-00	-22,901-23,600	---11-00
-20,501-21,100	---13-00	-23,601-24,300	---13-00
-21,101-21,700	---15-00	-24,301-25,000	---15-00
-21,701-22,300	---17-00	-25,001-25,700	---17-00
-22,301-22,900	---20-00	-25,701-26,400	---20-00
-22,901-23,500	---23-00	-26,401-27,100	---23-00
-23,501-24,100	---25-00	-27,101-27,800	---25-00
-24,101-24,700	---28-00	-27,801-28,500	---28-00
-24,701-25,300	---32-00	-28,501-29,200	---32-00
-25,301-25,900	---35-00	-29,201-29,900	---35-00
-25,901-26,500	---38-00	-29,901-30,600	---38-00
-26,501-27,100	---41-00	-30,601-31,300	---41-00
-27,101-27,700	---44-00	-31,301-32,000	---44-00
-27,701-28,300	---47-00	-32,001-32,700	---47-00
-28,301-28,900	---50-00	-32,701-33,400	---50-00
-28,901-29,500	---53-00	-33,401-34,100	---53-00
-29,501-30,100	---56-00	-34,101-34,800	---56-00
-30,101-30,700	---59-00	-34,801-35,500	---59-00
-30,701-31,300	---62-00	-35,501-36,200	---62-00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF EMERGENCY AMENDMENTS

Family-Size-6 Family-Size-7

Gross-Annual ---Income	---Weekly ---Fee	Gross-Annual ---Income	---Weekly ---Fee
\$-----0-227000	\$-----25	\$-----0-237000	\$-----25
--227001-227000	---1-00	--237001-247000	---1-00
--227001-237000	---3-00	--237001-247000	---3-00
--237001-247000	---5-00	--247001-257000	---5-00
--247001-257000	---7-00	--257001-267000	---7-00
--257001-267000	---9-00	--267001-277000	---9-00
--267001-277000	---11-00	--277001-287000	---11-00
--277001-287000	---13-00	--287001-297000	---13-00
--287001-297000	---15-00	--297001-307000	---15-00
--297001-307000	---17-00	--307001-317000	---17-00
--307001-317000	---20-00	--317001-327000	---20-00
--317001-327000	---23-00	--327001-337000	---23-00
--327001-337000	---26-00	--337001-347000	---26-00
--337001-347000	---29-00	--347001-357000	---29-00
--347001-357000	---32-00	--357001-367000	---32-00
--357001-367000	---35-00	--367001-377000	---35-00
--367001-377000	---38-00	--377001-387000	---38-00
--377001-387000	---41-00	--387001-397000	---41-00
--387001-397000	---44-00	--397001-407000	---44-00
--397001-407000	---47-00	--407001-417000	---47-00
--407001-417000	---50-00	--417001-427000	---50-00
--417001-427000	---53-00	--427001-437000	---53-00
--427001-437000	---56-00	--437001-447000	---56-00
--437001-447000	---59-00	--447001-457000	---59-00
--447001-457000	---62-00	--457001-467000	---62-00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF EMERGENCY AMENDMENTS

Family-Size-8 Family-Size-9

Gross-Annual ---Income	---Weekly ---Fee	Gross-Annual ---Income	---Weekly ---Fee
\$-----0-237000	\$-----25	\$-----0-247000	\$-----25
--237001-247000	---1-00	--247001-257000	---1-00
--237001-247000	---3-00	--257001-267000	---3-00
--247001-257000	---5-00	--267001-277000	---5-00
--257001-267000	---7-00	--277001-287000	---7-00
--267001-277000	---9-00	--287001-297000	---9-00
--277001-287000	---11-00	--297001-307000	---11-00
--287001-297000	---13-00	--307001-317000	---13-00
--297001-307000	---15-00	--317001-327000	---15-00
--307001-317000	---17-00	--327001-337000	---17-00
--317001-327000	---20-00	--337001-347000	---20-00
--327001-337000	---23-00	--347001-357000	---23-00
--337001-347000	---26-00	--357001-367000	---26-00
--347001-357000	---29-00	--367001-377000	---29-00
--357001-367000	---32-00	--377001-387000	---32-00
--367001-377000	---35-00	--387001-397000	---35-00
--377001-387000	---38-00	--397001-407000	---38-00
--387001-397000	---41-00	--407001-417000	---41-00
--397001-407000	---44-00	--417001-427000	---44-00
--407001-417000	---47-00	--427001-437000	---47-00
--417001-427000	---50-00	--437001-447000	---50-00
--427001-437000	---53-00	--447001-457000	---53-00
--437001-447000	---56-00	--457001-467000	---56-00
--447001-457000	---59-00	--467001-477000	---59-00
--457001-467000	---62-00	--477001-487000	---62-00

NOTE:--Fees are per family--if a family has more than 9 members, the fee schedule may be adjusted as follows:--Subtract--9937--from--the gross--annual--income--for--each--family--member--over--9--Charge--the indicated fee under family size of--9--for--the--resulting--adjusted income.

No--clients--are--to--be--charged--more--than--the--indicated--fee--or--the maximum rate paid by the Department of Children and Family--Services or the cost of the care, whichever is less.

Use--4-333--weeks--per--month--when--converting--weekly--fees--into--monthly fees--or--when--converting--weekly--income--into--monthly--income--and--use 2-1666--to--convert--bi-weekly--fees--or--income--into--monthly--fees--or income.

For part-time care, if every care less than five hours per day, charge

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~~one-half (1/2) the indicated fee~~

(Source: Emergency 301 (1) 1987 Repealer at 21 Ill. Reg. 9139, effective _____)

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1) Heading of the Part: Licensing Standards for Child Welfare Agencies

2) Code Citation: 89 Ill. Adm. Code 401

3) Section Numbers: Emergency Action:

401.1	Repeal
401.2	Repeal
401.4	Repeal
401.5	Repeal
401.6	Repeal
401.7	Repeal
401.8	Repeal
401.9	Repeal
401.10	Repeal
401.11	Repeal
401.12	Repeal
401.13	Repeal
401.14	Repeal
401.15	Repeal
401.16	Repeal
401.17	Repeal
401.18	Repeal
401.19	Repeal
401.20	Repeal
401.21	Repeal
401.22	Repeal
401.23	Repeal
401.24	Repeal
401.25	Repeal
401.26	Repeal
401.30	New
401.40	New
401.100	New
401.110	New
401.120	New
401.130	New
401.140	New
401.150	New
401.160	New
401.200	New
401.210	New
401.220	New
401.230	New
401.240	New
401.250	New
401.260	New
401.270	New
401.300	New

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401.310 New
 401.320 New
 401.330 New
 401.340 New
 401.350 New
 401.360 New
 401.370 New
 401.380 New
 401.390 New
 401.400 New
 401.410 New
 401.420 New
 401.430 New
 401.440 New
 401.450 New
 401.460 New
 401.470 New
 401.480 New
 401.490 New
 401.500 New
 401.Appendix A New
 401.Appendix B New
 401.Appendix C New
 401.Appendix D New
 401.Appendix E New
 401.Appendix F New
 401.Appendix G New
 401.Appendix H New

4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]

5) Effective Date of Amendments: July 1, 1997

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: Licensed child welfare agencies provide the majority of child welfare services in the State of Illinois. Child welfare agencies provide placement services, foster care services, adoption services, relative placement and support services, licensing services, casework services, counseling services, homemaker services, family preservation and reunification services, and a wide variety of other supportive services to children and families.

In a March, 1996 comprehensive report, the DCFS-Office of Inspector General identified several distinct areas where, if the Department's licensing standards and licensing practices had been improved, the Department would have been able to identify applicants for a child welfare agency license who did not have sufficient experience or qualifications to

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operate a successful child welfare agency. In the March, 1996 report, the DCFS-OIG also noted that imprecise language in the licensing standards made it difficult for DCFS to take enforcement action against child welfare agencies that have serious deficiencies in their policies and practices. The Department has worked with licensed child welfare agencies, advisory groups, and children's advocates to develop an appropriate response. The Department's response was published in the May 30, 1997, *Illinois Register* as proposed rulemaking.

Since that proposal was published, there has been an increase in the number of applicants seeking a child welfare agency license under the Department's current licensing standards. Many of these applicants would not be able to qualify for licensure as a child welfare agency under the enhanced licensing standards the Department proposed. The Department is adopting these licensing standards as emergency rules to prevent the licensure of entities that are not likely to be able to operate a successful child welfare agency.

9)

Complete Description of the Subjects and Issues Involved: The DCFS-Office of Inspector General conducted a study of licensed child welfare agencies that provide services to Department clients. This study uncovered serious deficiencies in the operation of some licensed child welfare agencies in the State of Illinois around several distinct areas. Those areas include:

- the lack of standards which address the qualifications and suitability of the board of directors and require the involvement of the board of directors in the operation of the child welfare agency,
- the lack of standards requiring proper financial and executive management of the child welfare agency,
- the lack of standards requiring verification of the education and experience of agency personnel,
- the lack of standards requiring a clearly defined conflict of interest policy,
- the lack of standards requiring accountability in the initial licensing process and the licensing renewal process for child welfare agencies, and
- the lack of standards applicable to the operations of for-profit child welfare agencies.

Since the DCFS-OIG report was released, the Department has been working with licensed child welfare agencies, advisory groups, and children's advocates to develop an appropriate response. Therefore, these emergency amendments to the Licensing Standards for Child Welfare Agencies will prevent the inadequate and premature licensure of child welfare agencies that would be unable to comply with the proposed new licensing standards and would be unlikely to be able to operate successfully as a child welfare agency.

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10) Are there any proposed amendments to this Part pending? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
401.1	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.2	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.4	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.5	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.6	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.7	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.8	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.9	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.10	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.11	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.12	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.13	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.14	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.15	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.16	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.17	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.18	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.19	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.20	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.21	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.22	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.23	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.24	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.25	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.26	Repeal	May 30, 1997 (21 Ill. Reg. 6286)
401.30	New	May 30, 1997 (21 Ill. Reg. 6286)
401.40	New	May 30, 1997 (21 Ill. Reg. 6286)
401.100	New	May 30, 1997 (21 Ill. Reg. 6286)
401.110	New	May 30, 1997 (21 Ill. Reg. 6286)
401.120	New	May 30, 1997 (21 Ill. Reg. 6286)
401.130	New	May 30, 1997 (21 Ill. Reg. 6286)
401.140	New	May 30, 1997 (21 Ill. Reg. 6286)
401.150	New	May 30, 1997 (21 Ill. Reg. 6286)
401.160	New	May 30, 1997 (21 Ill. Reg. 6286)
401.200	New	May 30, 1997 (21 Ill. Reg. 6286)
401.210	New	May 30, 1997 (21 Ill. Reg. 6286)
401.220	New	May 30, 1997 (21 Ill. Reg. 6286)
401.230	New	May 30, 1997 (21 Ill. Reg. 6286)
401.240	New	May 30, 1997 (21 Ill. Reg. 6286)
401.250	New	May 30, 1997 (21 Ill. Reg. 6286)
401.260	New	May 30, 1997 (21 Ill. Reg. 6286)
401.270	New	May 30, 1997 (21 Ill. Reg. 6286)
401.300	New	May 30, 1997 (21 Ill. Reg. 6286)
401.310	New	May 30, 1997 (21 Ill. Reg. 6286)
401.320	New	May 30, 1997 (21 Ill. Reg. 6286)

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401.330	New	May 30, 1997 (21 Ill. Reg. 6286)
401.340	New	May 30, 1997 (21 Ill. Reg. 6286)
401.350	New	May 30, 1997 (21 Ill. Reg. 6286)
401.360	New	May 30, 1997 (21 Ill. Reg. 6286)
401.370	New	May 30, 1997 (21 Ill. Reg. 6286)
401.380	New	May 30, 1997 (21 Ill. Reg. 6286)
401.400	New	May 30, 1997 (21 Ill. Reg. 6286)
401.410	New	May 30, 1997 (21 Ill. Reg. 6286)
401.420	New	May 30, 1997 (21 Ill. Reg. 6286)
401.430	New	May 30, 1997 (21 Ill. Reg. 6286)
401.440	New	May 30, 1997 (21 Ill. Reg. 6286)
401.450	New	May 30, 1997 (21 Ill. Reg. 6286)
401.460	New	May 30, 1997 (21 Ill. Reg. 6286)
401.470	New	May 30, 1997 (21 Ill. Reg. 6286)
401.500	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix A	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix B	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix C	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix D	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix E	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix F	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix G	New	May 30, 1997 (21 Ill. Reg. 6286)
401.Appendix H	New	May 30, 1997 (21 Ill. Reg. 6286)

11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

Section

- 401.1 Purpose (Repealed)
 EMERGENCY
 401.2 Definitions (Repealed)
 EMERGENCY
 401.3 Effective Date of Standards (Repealed)
 401.4 Application for License (Repealed)
 EMERGENCY
 401.5 Application for Renewal of License (Repealed)
 EMERGENCY
 401.6 Provisions Pertaining to License (Repealed)
 EMERGENCY
 401.7 Provisions Pertaining to Permit (Repealed)
 EMERGENCY
 401.8 Incorporation (Repealed)
 EMERGENCY
 401.9 Composition and Responsibilities of the Governing Body (Repealed)
 EMERGENCY
 401.10 Finances (Repealed)
 EMERGENCY
 401.11 The Administrator (Repealed)
 EMERGENCY
 401.12 Social Work Supervisors (Repealed)
 EMERGENCY
 401.13 Child Welfare Workers (Repealed)
 EMERGENCY
 401.14 Professional Staff (Repealed)
 EMERGENCY
 401.15 Support Personnel (Repealed)
 EMERGENCY
 401.16 Volunteers (Repealed)
 EMERGENCY
 401.17 Background Checks (Repealed)
 EMERGENCY
 401.18 Legal Safeguards of Children Served (Repealed)
 EMERGENCY
 401.19 Required Written Consents (Repealed)
 EMERGENCY
 401.20 Agency Responsibility (Repealed)
 EMERGENCY
 401.21 Interstate Placement of Children (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- EMERGENCY
 401.22 Health and Medical Services for Children (Repealed)
 EMERGENCY
 401.23 Records and Reports (Repealed)
 EMERGENCY
 401.24 Records Retention (Repealed)
 EMERGENCY
 401.25 Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
 EMERGENCY
 401.26 Severability of This Part (Repealed)
 EMERGENCY

SUBPART A: INTRODUCTION AND DEFINITIONS

- 401.30 Purpose
 EMERGENCY
 401.40 Definitions
 EMERGENCY

SUBPART B: PERMITS AND LICENSES

- 401.100 Application for License
 EMERGENCY
 401.110 Provisions Pertaining to Permits
 EMERGENCY
 401.120 Provisional Licenses
 EMERGENCY
 401.130 Provisions Pertaining to Licenses
 EMERGENCY
 401.140 Application for Renewal of License
 EMERGENCY
 401.150 Acceptance of Accreditation in Lieu of License Renewal Study
 EMERGENCY
 401.160 Voluntary Surrender of License
 EMERGENCY

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

- 401.200 Incorporation
 EMERGENCY
 401.210 Composition and Responsibilities of the Governing Body
 EMERGENCY
 401.220 Organization and Administration
 EMERGENCY
 401.230 Finances
 EMERGENCY
 401.240 Background Checks

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY401.250 Required Reporting to the DepartmentEMERGENCY401.260 Required Record KeepingEMERGENCY401.270 Records RetentionEMERGENCYSUBPART D: PERSONNEL REQUIREMENTS401.300 The Executive DirectorEMERGENCY401.310 Child Welfare SupervisorsEMERGENCY401.320 Child Welfare WorkersEMERGENCY401.330 Licensing StaffEMERGENCY401.340 Professional StaffEMERGENCY401.350 Support PersonnelEMERGENCY401.360 Use of Volunteer ServicesEMERGENCY401.370 Non-Discrimination Against Employees Who Report Suspected Licensing ViolationsEMERGENCY401.380 Personnel RecordsEMERGENCYSUBPART E: SERVICES TO CHILDREN401.400 Legal Safeguards of Children ServedEMERGENCY401.410 Required Written ConsentsEMERGENCY401.420 Agency ResponsibilityEMERGENCY401.430 Interstate Placement of ChildrenEMERGENCY401.440 Health and Medical Services for ChildrenEMERGENCY401.450 Transportation of ChildrenEMERGENCY401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care HomesEMERGENCY401.470 Agency Responsibilities for Adoption ServicesEMERGENCY

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SUBPART F: SEVERABILITY CLAUSE401.500 Severability of This PartAPPENDIX ALicensing Progression for Child Welfare AgenciesEMERGENCYAPPENDIX BRequirements for Operation of Branch OfficesEMERGENCYAPPENDIX CFinancial Analysis of Child Welfare Agency OperationsEMERGENCYAPPENDIX DMinimum Requirements for a Risk Management PlanEMERGENCYAPPENDIX EAcceptance of Voluntary Surrender of License - License - No Investigations PendingEMERGENCYAPPENDIX FAcceptable Human Services DegreesEMERGENCYAPPENDIX GProfessionals Who Must Be Registered or LicensedEMERGENCYAUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective JUL 01 1997, for a maximum of 150 days.

Section 401.1 Purpose (Repealed)EMERGENCY

- a) The purpose of this part is to prescribe the standards for licensure as a child welfare agency and to describe how to apply for a license.
- b) The licensing standards set forth in this part are applicable to child welfare agencies as defined in the Child Care Act.

(Source: Emergency repealer at 21 Ill. Reg. 9151, effective JUL 01 1997, for a maximum of 150 days.)

Section 401.2 Definitions (Repealed)EMERGENCY

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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that children are present in the facility; in addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- a criminal history via fingerprints of persons age 10 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records as appropriate or via a BEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems as appropriate to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Child" means any person under 18 years of age (Section 2-81 of the Child Care Act of 1969 (225 ILCS 10/2-81)).

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2-85 of the Child Care Act of 1969)

"Child welfare agency" means a public or private child care facility receiving any child or children for the purpose of placing or arranging for placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child's or children's parents. (Section 2-88 of the Child Care Act of 1969)

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Department" means the Illinois Department of Children and Family

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Services. (Section 2-82 of the Child Care Act of 1969)

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4-4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Permit" means a one-time only document issued by the Department for a six-month period to allow the individual, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385-20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks as appropriate even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

(Source: Emergency repealer at 21 Ill. Reg. 9151, effective JUL 01 1997, for a maximum of 150 days)

Section 401.4 Application for License (Repealed)
EMERGENCY

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- a) The application for license shall be completed by the officers of the governing body of the child welfare agency or its authorized representative on forms prescribed and furnished by the Department. For the application to be considered complete, the following shall be attached to the application:
- 1) articles of incorporation and by laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State;
 - 2) statement of purpose including child care services and the types of child care facilities to be operated and supervised by the agency;
 - 3) list of officers, board members and employees of the governing body;
 - 4) operating budget;
 - 5) range of services;
 - 6) staffing plan which includes job descriptions and the qualifications of the staff; and
 - 7) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 3857--Background Checks--and each person's complete signed authorization to conduct the background check.
- e) A new application shall be filed:
- 1) when an application for license has been withdrawn and the agency seeks to reapply;
 - 2) when there is a change of address of the child welfare agency;
 - 3) when there is a change of name, ownership or corporate status of the agency; or
 - 4) not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- d) A new application may be submitted at any time when a license permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Emergency repealer at 21 Ill. Reg. 613, effective _____, for a maximum of 150 days)

Section 401.5 Application for Renewal of License (Repealed)

EMERGENCY

- a) Application forms for license renewal shall be mailed to the child welfare agency by the Department six months prior to the expiration date of the license.
- b) The completed application shall be submitted to the Department three months before the date of the expiration of the child welfare agency's license.
- e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the child welfare agency continues to meet licensing standards and the licensing study shall be in writing and shall be reviewed and signed by the

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- licensing supervisor and the licensing representative performing the study.
- d) When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. "Good cause" includes but is not limited to shortages of staff.

(Source: Emergency repealer at 21 Ill. Reg. 613, effective _____, for a maximum of 150 days)

Section 401.6 Provisions Pertaining to License (Repealed)

EMERGENCY

- a) A child welfare agency license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The child welfare agency shall adhere to the provisions specified on the license.
- e) The license shall not be transferred or transmitted to another person or other legal entity.
- d) The license shall not be valid for an address other than the address shown on the license.
- c) The current license shall be displayed at the agency headquarters at all times.
- f) There shall be no fee or charge for the license.

(Source: Emergency repealer at 21 Ill. Reg. 613, effective _____, for a maximum of 150 days)

Section 401.7 Provisions Pertaining to Permit (Repealed)

EMERGENCY

- a) A permit shall not be issued prior to the following:
- 1) completion of the application for license and submission to the Department;
 - 2) employment of a qualified administrator who has passed the background check requirements of 89 Ill. Adm. Code 3857 Background Checks and development of a projected staffing plan indicating the time table by which qualified staff shall be hired;
 - 3) established procedures and forms for required records and reports;
 - 4) a written plan which indicates that requirements for a license

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- shall be met within the permit period; and
- 5) demonstration of financial capability through a projected budget;
 - 6) A permit shall not be issued retroactively;
 - 7) The permit shall not be renewable;
 - 8) The permit shall not be transferred or transmitted to another person or other legal entity;
 - 9) The permit shall not be valid for an address different from the address shown on the issued permit;
 - 10) The child welfare agency shall adhere to the provisions specified on the permit;
 - 11) A current permit shall be on display at the agency headquarters at all times;
 - 12) A license shall be issued any time within the six months period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards;
 - 13) There shall be no fee or charge for the permit.

(Source: Emergency repealer at 21 Ill. Reg. 9161, effective 01/01/88, for a maximum of 150 days)

Section 401.8 Incorporation (Repealed)

EMERGENCY

The child welfare agency or the responsible governing body shall be incorporated, and a copy of the articles of incorporation shall be filed with the Department at the time of application. A copy of any later amendment or a copy of a certificate of dissolution shall be filed as they occur.

(Source: Emergency repealer at 21 Ill. Reg. 9161, effective 01/01/88, for a maximum of 150 days)

Section 401.9 Composition and Responsibilities of the Governing Body (Repealed)

EMERGENCY

- a) The governing body of a child welfare agency which is incorporated as not-for-profit shall be a Board of Directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body of a child welfare agency which is incorporated as for-profit shall be the owner(s) who shall be of reputable and responsible character. The governing body shall be responsible to the Department for maintaining the standards as set forth in this part.

- b) The governing body shall:
 - 1) establish written by-laws;
 - 2) assure that the child welfare agency operates at all times with an administrator who, by official notice, is made known to the Department;

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- 3) hold at least two meetings annually;
- 4) keep written records or minutes of all Board meetings reflecting official actions of the Board;
- 5) officially notify the Department of any major changes in the corporate structure or a change in the administrator of the child welfare agency including articles of incorporation and bylaws, board membership, officers or other changes in services provided by the agency;
- 6) establish written policies of the child welfare agency which shall be made available to all board members and employees including services to be provided by the agency, admissions, personnel policies, fiscal operations, care of children, and other policies as needed to direct the agency such as family visitation, community contacts with children and function of the agency administrator;
- 7) provide and maintain permanent offices accessible to the public and appropriate for the administrative program and supportive services. These offices shall be staffed during regular hours, shall be equipped with telephones, and shall have a permanent mailing address;
- 8) maintain and keep all records and documents required by this part in the State of Illinois where they shall be readily available for licensing review;
- 9) assure fidelity bonding of fiscally responsible officers and employees against breach of fiduciary duty or the loss of monies, securities or other property which the agency may sustain through any fraudulent or dishonest act, or acts committed by an officer or employee acting alone or in collusion with others. These employees must be bonded regardless of whether the employee is elected or appointed or whether the employee is compensated by salary and
- 10) assure that all persons working directly with children are of reputable character.

(Source: Emergency repealer at 21 Ill. Reg. 9161, effective 01/01/88, for a maximum of 150 days)

Section 401.10 Finances (Repealed)

EMERGENCY

- a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property at a fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay or defraud its creditors. (This definition of insolvency is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. 101(26).)

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- b) The agency shall maintain fiscal records which shall include:
- 1) current and projected operating budget; and
 - 2) financial records annually audited and certified by public accountants not affiliated with the agency.
- e) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for licensing review.
- d) A certified copy of the agency's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request.

(Source: Emergency repealer at 21 Ill. Reg. 9166, effective 01-01-77, for a maximum of 150 days)

Section 401.11 The Administrator (Repealed)

EMERGENCY

- a) The administrator is that person designated by the board or owner to carry out the day-to-day management of the agency and the established policies and procedures.

- b) An administrator shall have:

- 1) a Master's Degree from an accredited school of social work and three years work experience in social work administration or social work supervision; or
- 2) a Master's Degree in a human services field and three years work experience in human services administration or supervision; or
- 3) a Bachelor's Degree from an accredited 4-year college or university and four years of social work experience at least two years of which were in administration.

- c) All persons currently serving as administrator who have served in that capacity for a minimum of five (5) years immediately preceding the adoption and publication of this part shall be deemed qualified.

- d) If there is no social work supervisor the administrator shall in addition meet the qualifications for a social work supervisor as defined in Section 401.12.

- e) A person/persons shall be appointed to act in behalf of the administrator when the administrator is absent.

- f) If the administrator is to be on leave for more than one month or has left prior to a replacement the Department shall be notified of the name of the person appointed as acting administrator. The acting administrator shall have the qualifications of the administrator.

(Source: Emergency repealer at 21 Ill. Reg. 9166, effective 01-01-77, for a maximum of 150 days)

Section 401.12 Social Work Supervisors (Repealed)

EMERGENCY

- a) Social work supervisors shall have a Master's of Social Work degree

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from an accredited school of social work or an equivalent Master's Degree in a human services field and two years of full-time supervised experience in a social work setting at least one social work supervisor in the agency shall have two years of experience as a supervisor.

- b) If there is no full-time social work supervisor the administrator shall in addition meet the qualifications for social work supervisor.

(Source: Emergency repealer at 21 Ill. Reg. 9167, effective 01-01-77, for a maximum of 150 days)

Section 401.13 Child Welfare Workers (Repealed)

EMERGENCY

Child welfare workers perform administrative duties supervise placement of children evaluate goals for placement prepare progress reports make foster home studies make licensing or permit studies recommend discharge or placement of children and keep required records. Child welfare workers shall have at least a Bachelor's Degree and shall be under the supervision of a qualified social work supervisor.

(Source: Emergency repealer at 21 Ill. Reg. 9168, effective 01-01-77, for a maximum of 150 days)

Section 401.14 Professional Staff (Repealed)

EMERGENCY

Professional staff such as social workers, psychologists, psychiatrists, physicians, dentists, teachers and consultants whether full-time or part-time employees or temporary consultants must meet the respective licensing and registration requirements of the State of Illinois.

(Source: Emergency repealer at 21 Ill. Reg. 9169, effective 01-01-77, for a maximum of 150 days)

Section 401.15 Support Personnel (Repealed)

EMERGENCY

clerical and secretarial services shall be provided to maintain correspondence records bookkeeping and files in current and good order.

(Source: Emergency repealer at 21 Ill. Reg. 9170, effective 01-01-77, for a maximum of 150 days)

Section 401.16 Volunteers (Repealed)

EMERGENCY

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All volunteers shall meet the requirements for the tasks they perform; shall be trained for the tasks they perform; and shall be under the supervision of an assigned staff supervisor.

(Source: Emergency repealer at 21 Ill. Reg. , effective , for a maximum of 150 days)

Section 401.17 Background Checks (Repealed)EMERGENCY

- a) The governing body shall ensure that all prospective and current employees submit to fingerprinting (when required) authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385 Background Checks.
- b) As a condition of issuance or renewal of a license by the Department the child welfare agency shall require all persons subject to background checks to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with 89 Ill. Adm. Code 385.
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Emergency repealer at 21 Ill. Reg. , effective , for a maximum of 150 days)

Section 401.18 Legal Safeguards of Children Served (Repealed)EMERGENCY

The agency shall have written verification of the legal status for all children accepted for care and service. There shall be written financial agreements between the child welfare agency, foster family, parents, and the legal guardian, court institution or another agency, as applicable and appropriate.

(Source: Emergency repealer at 21 Ill. Reg. , effective)

Section 401.19 Required Written Consents (Repealed)EMERGENCY

- a) Written consents from legally responsible persons (parent, court, or other legal custodian or guardian) shall be obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:

- 1) health care and treatment including medical surgery, psychiatric and dental;
- 2) use of psychoactive drugs;

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- 3) religious instruction and/or church attendance in a different faith;
 - 4) work programs, induction into the armed services, driving a car and car ownership;
 - 5) extensive visits, trips or excursions;
 - 6) use of photographs for publicity or other purposes; and
 - 7) consent to marriage for children under age 18.
- All written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in paragraph a) above or by others, which conflicts with any of the requirements of 89 Ill. Adm. Code 401, is not valid.

(Source: Emergency repealer at 21 Ill. Reg. , effective)

Section 401.20 Agency Responsibility (Repealed)EMERGENCY

- a) Each child served by the agency shall at all times have a designated child welfare worker assigned.
- b) Children in placement shall be seen by the assigned child welfare worker at least monthly for the first three months thereafter, following that placement and at least every three months thereafter.
- c) Each foster family shall receive in person supervision consultation and support from the agency at least quarterly.

- d) Each licensed facility supervised by the child welfare agency shall be visited by a child welfare worker of the agency at least semi-annually to insure that the standards for licensing continue to be met.

- e) Major decisions regarding a child, such as accepting for placement subsequent placement, determination of or change in the service plan, and discharge shall be reviewed by the social work supervisor prior to implementation and when needed. These major decisions shall result in a revised service agreement.

- f) A comprehensive written admission study shall be completed within 30 days of admission and shall include:

- 1) child's name, verifications of date and place of birth, sex, race, legal status including the legal status of the parents, present address and religious affiliation;
- 2) names, birth dates, places of birth, marital status, addresses, telephone numbers and religious affiliation of parents;
- 3) date and facility of placement and information concerning any special care or treatment provided to the child and his family; and

- 4) reasons for and the goal of placement;
- 5) the child and/or his parent or guardian shall be active participants to the extent possible in all decisions regarding the reasons for

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and the goal of placement and the service agreement.

(Source: Emergency repealer at 21 Ill. Reg. 615.1, effective 11/1/79, for a maximum of 150 days)

Section 401.21 Interstate Placement of Children (Repealed)
EMERGENCY

An agency placing children outside the State of Illinois or receiving children from outside the State shall adhere to all rules and regulations of legal authorities pertaining to such placements and to the requirements of the Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1979, ch. 237, par. 2601 et seq.) where applicable.

(Source: Emergency repealer at 21 Ill. Reg. 615.1, effective 11/1/79, for a maximum of 150 days)

Section 401.22 Health and Medical Services for Children (Repealed)
EMERGENCY

a) The agency shall have written policies providing for medical, surgical, and dental care for children in placement. Such policies shall be formulated in consultation with physicians and dentists licensed to practice in the State of Illinois.

b) Medical records on each child shall be maintained, including his medical history, parental or guardian consent for medical treatment, report of admission examination, all subsequent examinations, diagnoses, illnesses, immunizations, treatment, and discharge examination.

c) A complete medical history shall include:

- 1) current problems, medications and handicaps, past health conditions such as diseases, allergies and surgeries, immunizations and dates, and report of most recent physical examinations, and
- 2) all available information pertaining to the health history of the child's family.

d) Each child shall be examined by a physician within thirty days prior to placement. However, in emergency placements the physical exam shall be scheduled within 5 days after placement and completed within 15 days after placement. In all cases, each child shall be screened for communicable diseases within 72 hours of placement.

e) Children shall be examined annually or more frequently if findings and medical opinion indicate need. Diagnosed medical problems shall be treated promptly.

f) Dental examinations shall be given at least annually. Diagnosed dental defects shall receive prompt treatment.

g) Immunizations and tests shall be administered as required by the Illinois Department of Public Health regulations or as recommended by

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a physician.

h) Immunizations must be waived or modified for a child who, for medical reasons, should not be subject to an immunization or when there is a waiver on religious grounds.

i) If treatment for any physical impairment which requires continuing or follow-up medical attention is needed, the parent, guardian or other facility shall be notified in writing.

(Source: Emergency repealer at 21 Ill. Reg. 615.1, effective 11/1/79, for a maximum of 150 days)

Section 401.23 Records and Reports (Repealed)
EMERGENCY

a) The agency shall maintain current records on each child receiving care or services on agency personnel (including volunteers) and on each facility operating under its supervision.

b) Records for each child shall include an admission study, legal documents and agreements for care as required and ease recording reflective of the on-going care and treatment of the child.

c) At the time a child is discharged from care, records shall include the reason for discharge, the legal status of the child, to whom the child is released or discharged, and any recommendation for the child's future care.

d) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of children and shall document compliance with Section 401.17 Background Check. The records shall contain all pertinent information relative to character, suitability, qualifications for the position, health, three references, and history of employment for the last five years. Personnel records shall include the date of employment and the date and reason(s) for separation. These records shall be available for licensing review.

e) The child welfare agency shall maintain a separate file of the results of the background check required by Section 401.17 and 89-III-Adm. Code 3857-Background Checks.

f) The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department.

1) An individual report on each new employee (including owner operator or director) shall be filed with the Department, a copy of this report shall be kept at the agency.

2) All staff changes shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by complete signed authorizations for background checks as required by 89-III-Adm. Code 3857-Background Checks.

3) Copies of documentation of medical information, verification of educational achievement and character references of employees

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- shall be provided upon request by the Department.
- g) The child welfare agency shall maintain in its official records the major decisions and policies of the governing body or board.
- h) Financial records of operations shall be maintained as part of the permanent records of the agency and shall include a copy of the annual audit.
- i) The child welfare agency shall enter in the child's record and orally report immediately to the child's parent, guardian, and the Department any serious occurrences involving children. If the agency is unable to contact the parent, guardian or Department immediately, it shall document this fact in the child's record. These occurrences include serious accident or injury requiring extensive medical care or hospitalization; death, arrest, alleged abuse or neglect; major fire or other emergency situations; movement of the child welfare agency which affects any child or children; personnel or the conduct of the agency; or reports shall be confirmed in writing within two working days of the occurrence.
- j) Records shall be kept in safe, locked places.
- k) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Emergency repealer at 21 Ill. Reg. 9151, effective _____, for a maximum of 150 days)

Section 401.24 Records Retention (Repealed)

EMERGENCY

Personnel, general and financial records required of the child welfare agency shall be maintained for five years. Children's records shall be maintained for at least five years after the child's majority.

(Source: Emergency repealer at 21 Ill. Reg. 9151, effective _____, for a maximum of 150 days)

Section 401.25 Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)

EMERGENCY

- a) Foster family homes, group homes, and day care and night care homes operated and supervised by a child welfare agency shall be licensed according to the standards prescribed and published by the Department for licensing such homes.
- b) The agency shall submit an application for a license for each child care facility operated by it on forms provided by the Department.
- c) Recommendation for the licensure of family homes operated by a child welfare agency may be made to the Department by the agency and in

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- accordance with the standards prescribed for such facilities.
- d) Upon receipt of an application for a group home license, the Department's licensing staff shall conduct a license study and provide the group home is in compliance with group home licensing standards, recommend licensure.
- e) The agency operating any child care facility shall be responsible for its conduct in accordance with the licensing standards prescribed by the Department.

(Source: Emergency repealer at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.26 Severability of This Part (Repealed)

EMERGENCY

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this part.

(Source: Emergency repealer at 21 Ill. Reg. 9151, effective _____, for a maximum of 150 days)

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 401.30 Purpose

EMERGENCY

a) The purpose of this Part is to prescribe the standards for licensure as a child welfare agency and to describe how to apply for a child welfare agency license. This Part also prescribes the duties of a child welfare agency to monitor and supervise child care facilities under its supervisory authority.

b) The licensing standards set forth in this Part are applicable to entities seeking a license to operate a child welfare agency as defined in the Child Care Act of 1969 [225 ILCS 10/2.08] who do not have a valid license or permit to operate as a child welfare agency as of July 1, 1997. Granting a license to a child welfare agency does not guarantee a contract with the State of Illinois or the Illinois Department of Children and Family Services.

(Source: Emergency added at 21 Ill. Reg. 9151, effective _____, for a maximum of 150 days)

Section 401.40 Definitions

EMERGENCY

"Adequate assets" means the child welfare agency has sufficient liquid

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assets in reserve or has a line of credit independent of Department contracts which would allow it to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days.

"Administrative order of closure" means a severe administrative sanction, approved by the Director of the Department of Children and Family Services, to close immediately a licensed child care facility prior to revocation of the facility's license. An administrative order of closure is issued only when continued operation of the child care facility during the license revocation process poses serious risks to children's health, safety, morals, or welfare.

"Age appropriate safety restraint" means, for a child under four years of age, a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) which meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child four years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Authorized representative of the governing body" means the person authorized by formal action at a meeting of the Board of Directors to act on behalf of the child welfare agency and sign the license application and other such documents, on behalf of the governing body. Such authorization shall be in writing on agency letterhead, submitted to the Department licensing representative, and signed by the president or chairperson of the Board of Directors and the secretary of the Board of Directors.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Chief fiscal officer" means the staff position with primary responsibility for the receipt, distribution and accounting for all financial transactions of the agency.

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"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court. [225 ILCS 10/2.08]

"Conditional license" means a nonrenewable license for a period not to exceed six months which may be granted to a child care facility when the facility has agreed to a corrective plan to amend identified deficiencies and bring the facility into reasonable compliance with all licensing standards. Conditional licenses may be issued with the approval of the Department only where no threat to the health, safety, morals or welfare of the children served exists. Any other license held by the facility shall be revoked when the conditional license is issued.

"Corrective plan" means a written plan approved by the Department's regional licensing administrator which identifies deficiencies in a child care facility's operations and which allows the facility a maximum of six months to correct the identified deficiencies and come into reasonable compliance with all applicable licensing standards.

"Deemed status" means the Department has approved the programs of a child welfare agency as in compliance with the requirements of this Part because these programs:

- have received full accreditation status from the Council on Accreditation of Services for Families and Children; and

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- during the past four years, there have been no substantiated licensing complaints which affect the health, safety, morals, or welfare of children served by these accredited programs.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Full license" means the agency is operating under a current child welfare agency license rather than a permit, a provisional license, a conditional license, or a license which has been revoked or which has expired when the agency failed to file a timely and sufficient application for license renewal.

"Governing body" means all members of the board of directors of a corporation.

"Guardian" means the guardian of the person of a minor. [225 ILCS 10/2.03]

"Immediate family member" means a person's spouse, son, daughter, mother, father, sibling, brother- or sister-in-law, or other legal dependent.

"Inadequate assets" means the child welfare agency has less than 30 days of operating expenses available to them in liquid assets as required by the definition of adequate assets in this Section.

"Initial application for license" means the first application for licensure as a child welfare agency submitted by the individual, organization, or other legal entity.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, organizations, or other legal entities who have applied for a license from the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Minor traffic violation" means a traffic violation under the laws of

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the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"New application for license" means a license is sought to operate a child welfare agency when:

- the applicant has applied previously for a child welfare agency license and withdrew the license application before a decision was made on the application for license; or
- the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license; or
- the applicant had been licensed previously as a child welfare agency, but the Department revoked or refused to renew the license.

"Permit" means a one-time only document issued by the Department of Children and Family Services to allow the license applicant to become eligible for an initial license. Permits may be for a six month period, except permits granted to foster family homes and day care homes are limited to a maximum of two months.

"Petty offense" means any offense for which a sentence to a fine only is provided. [Section 5-1-17 of the Unified Code of Corrections [730 ILCS 5/5-1-17]]

"Provisional license" means a license issued for a period not to exceed two years to allow a licensed child welfare agency to demonstrate the ability to operate a business in a responsible fashion. During the provisional license period, the Department may exercise more stringent oversight or place more stringent requirements on the child welfare agency.

"Psychotropic medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification or behavioral management purposes is listed in the AMA Drug Evaluations, latest edition, or Physician's Desk Reference, latest edition, or which are administered for any of these purposes. (Section 1-121.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121.1])

"Refusal to renew a license" means the formal decision of the Department to decline to issue a succeeding license, although the licensee has submitted a timely and sufficient application for license renewal, to the holder of a child care facility license or permit

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which has expired or is about to expire.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children receiving care in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Responsible" means trustworthy performance of expected duties in accordance with established professional standards, State and Federal law, and the rules of the Department of Children and Family Services.

"Revocation" means the termination of a full license, provisional license, or permit to operate a child care facility by a formal action of the Department. License revocations shall be conducted in accordance with Section 8 or 8.1 of the Child Care Act of 1969 [225 ILCS 10/8 and 8.1].

"Risk management plan" means a document developed in accordance with Appendix D of this Part that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"Timely and sufficient application for license renewal" means the child welfare agency submitted the application for renewal of the license at least 90 days before the license was due to expire, the application was complete, dated, and signed by an authorized party, and the materials required by Section 401.140 were attached to the application for license renewal. License renewal applications for foster family homes or day care homes under the supervision of the child welfare agency are considered timely if the application was returned to the agency no later than 30 days after the application was mailed to the licensee.

"Valid license" means a license which has not been revoked or expired, or which would have expired but the child welfare agency submitted a timely and sufficient application for license renewal and the Department has not yet rendered a decision on the application, and the facility has not been issued an administrative order of closure.

"Voluntary surrender of license" means that, in writing, the licensee has offered and the Department has accepted the licensee's offer to give up a valid license of his, her or its own free will. The Department is not required to accept the offer of the license and, in

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the Department's sole discretion, may decline to accept the license.

(Source: Emergency added at 21 Ill. Reg. 016 016 effective 11/1/1997, for a maximum of 150 days)

SUBPART B: PERMITS AND LICENSES

Section 401.100 Application for License

EMERGENCY

a) The application for license as a child welfare agency shall be completed by the officers of the governing body of the child welfare agency, or its authorized representative, on forms prescribed and furnished by the Department.

b) For the initial application for a license to be complete, the following shall be attached to the application:

1) articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State and, if a not-for-profit corporation, a copy of the Internal Revenue Service ruling on the agency's exemption status from Federal income tax and registration with the Charitable Trust Bureau of the Attorney General's office (if applicable);

2) a mission statement or statement of purpose including services to be provided and the types of child care facilities to be operated and supervised by the agency;

3) a list of owners, officers, board members, principal shareholders owning more than 5% of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect. This includes any or all of the above persons who reside outside the State of Illinois;

4) a listing of standing committees of the governing body;

5) proposed operating budget for the first two years of operation;

6) range of services to be provided within the first two years of operation; and

7) a comprehensive staffing plan which includes job descriptions and the qualifications of the staff for all child welfare programs to be provided by the agency. If the child welfare agency operates within a multi-service agency, those staff positions which perform no functions for the child welfare agency do not need to be included in the staffing plan. If the child welfare agency intends to operate branch offices, the address, phone number and staffing plan for each of the branch offices is to be included in the initial application (if known) or reported to the Department within ten days after the location for a branch office is secured.

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c) In addition, the license applicant shall have the following items available for review when the licensing representative visits the agency headquarters.

1) A list of current employees of the child welfare agency and persons to whom the agency has made a commitment to hire; and

A) certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);

B) verification of prior work history, when the work history is required to qualify for the current position;

C) copy of current professional license or registration (if required. See Appendix G for a list of professions commonly used by a licensed child welfare agency who must be licensed or registered.); and

D) if the individual is subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, each employee's complete, signed authorization to conduct a background check.

2) The agency's written personnel policies, including written compensation policies and salary levels.

3) The agency's written service delivery policies.

4) The agency's risk management plan developed in accordance with Appendix D of this Part.

5) The agency's documentation of current public liability insurance as required by Section 401.220(g).

6) The agency's code of ethics which has been adopted by the governing body and which must be at least as stringent as the Code of Ethics for Child Welfare Professionals published by the Department of Children and Family Services.

d) If the corporate status of the child welfare agency changes, the new corporate entity must file an initial application for license under the new corporation.

e) A new application shall be filed when:

1) an application for license has been withdrawn before a decision was made on the application and the agency seeks to reapply; or

2) the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license, and any waiting period agreed to when the voluntary surrender was accepted has expired; or

3) the applicant had been licensed as a child welfare agency, but the Department revoked or refused to renew the license and the requirements of subsection (f) of this Section have been fulfilled.

f) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant unless the applicant has signed an agreement with the

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Department not to reapply for a license for a specified period of time. Once an investigation of the facility has been commenced, the license may be voluntarily surrendered only with the signed, written agreement of the regional licensing administrator on the form prescribed in Appendix F.

g) If the Department has revoked or refused to renew the license of a child welfare agency and the agency seeks to reapply for a license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted to the applicant, the Department shall issue a provisional license to the applicant for a period not to exceed two years. The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to the Child Care Act of 1969, or maintaining a facility which adheres to such standards and rules. [225 ILCS 10/6(C)]

h) The applicant shall submit an original and one copy of the application for license and all required documentation.

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.110 Provisions Pertaining to Permits
EMERGENCY

a) A permit shall be issued before a provisional license is granted, but shall not be issued prior to the following:

1) completion of the application for license and submission of the original and one copy of the application and all required supporting documentation to the Department;

2) employment of a qualified executive director who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks;

3) development of a projected staffing plan indicating the time table by which qualified staff shall be hired;

4) establishment of procedures and forms for required records and reports in Sections 401.260 and 401.270;

5) submission of a written plan which indicates how requirements for a license shall be met within the permit period;

6) demonstration of financial capability through a projected budget for at least the next two years. Letters of commitment must be attached for any projected grant or contract;

7) submission of a risk management plan as outlined in Appendix D, Minimum Requirements for a Risk Management Plan, of this Part; and

8) documentation of current public liability insurance as required by Section 401.220(g).

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- b) A permit shall not be issued retroactively.
- c) The permit shall not be renewable.
- d) The permit shall not be transferred or transmitted to another legal entity.
- e) The permit shall not be valid for a name or address different from the name and address shown on the issued permit.
- f) The child welfare agency shall adhere to the provisions specified on the permit.
- g) A current permit shall be on display at the agency headquarters at all times.
- h) A provisional license shall be issued any time within the six months period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
- i) There shall be no fee or charge for the permit.

(Source: Emergency added at 21 Ill. Reg. CH 12, effective 11/1/84, for a maximum of 150 days)

Section 401.120 Provisional Licenses**EMERGENCY**

- a) The Department may restrict the operation of the child welfare agency by attaching provisions to the license, such as those identified in subsection (c) of this Section. Such provisional licenses shall be routinely issued for the first two years. In addition, a provisional license also may be issued when a former license holder seeks to reapply after the license was voluntarily surrendered or after the Department revoked or refused to renew the former license.
- b) Good cause for issuing a provisional license to a former or current holder of a child welfare agency license is evidenced by, but not limited to:
 - 1) an excessive number of indicated child abuse or neglect reports involving foster family, relative, day care, and group homes supervised by the child welfare agency; or
 - 2) lack of financial responsibility as evidenced by maintaining inadequate assets or by late payment (more than ten days after the scheduled payment date) of foster parents, tax obligations, bills or other evidence of financial instability; or
 - 3) inadequate or missing records or reports, as required by this Part; or
 - 4) missing case reviews or court hearings on a regular basis or coming to case reviews or court hearings unprepared to present the case on a regular basis; or
 - 5) excessive turnover (40% or more turnover within a one-year period) in the governing body or staff; or
 - 6) failure to supervise foster family, relative, day care, and group homes, as required by Department of Children and Family Services Rules.

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- 7) failure to promptly process foster parent licensing applications, provide adequate training of foster parents and adoptive parents, or provide information to foster parents regarding policy and procedures applicable to foster parents and foster children;
- 8) failure to recommend foster family and day care home licenses for renewal before the expiration date of the license when the licensee has made a timely and sufficient application for license renewal;
- 9) failure to submit an annual implementation plan pursuant to the Foster Parent Law [20 ILCS 505/7.2] and to implement the plan as submitted; or
- 10) other good cause when supported by adequate documentation that the agency is failing to operate in the interest of its clients or the general public.
- c) The child welfare agency shall adhere to the provisions specified on the license which may include, but are not limited to:
 - 1) establishing specific supervisor/child welfare staff ratios that the child welfare agency must maintain; or
 - 2) requiring at least six bi-monthly meetings of the Board of Directors and greater involvement from the Board of Directors in agency operations; or
 - 3) requiring oversight by a certified public auditor who provides periodic reports to the Department; or
 - 4) requiring other supportive or corrective measures as deemed necessary in writing by the Department.

(Source: Emergency added at 21 Ill. Reg. CH 12, effective 11/1/84, for a maximum of 150 days)

Section 401.130 Provisions Pertaining to Licenses**EMERGENCY**

- a) A full child welfare agency license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee. Provisional licenses are valid for two years.
- b) A license shall not be transferred or transmitted to another legal entity.
- c) A license shall not be valid for a name or address other than the name and address shown on the license.
- d) The current license shall be displayed at the agency headquarters at all times.
- e) The licensee shall adhere to any and all provisions of the license.
- f) There shall be no fee or charge for the license.

(Source: Emergency added at 21 Ill. Reg. CH 12, effective 11/1/84, for a maximum of 150 days)

Section 401.140 Application for Renewal of License

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EMERGENCY

a) Application forms for license renewal shall be mailed to the child welfare agency by the Department six months prior to the expiration date of the license. When the application for license renewal is submitted to the Department, the child welfare agency shall submit a complete listing of the names and addresses of all licensed and license-exempt child care facilities supervised by the child welfare agency and of any pending applications for license as a foster family or day care home which will be supervised by the child welfare agency.

b) The original of the completed application, along with the listing of child care facilities supervised by the agency, and one copy of all materials shall be submitted to the Department no later than three months before the date of the expiration of the child welfare agency's license.

c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect until the final Department decision has been made. [225 ILCS 10/5(d)]

d) After receipt of the application for license renewal, the Department shall conduct a license study which may include an unannounced visit if conducted within normal business hours, in order to determine that the child welfare agency continues to meet licensing standards. The licensing study shall include an examination of the premises and records of the child welfare agency to determine the degree of compliance with these standards and shall include:

1) random surveys of parents or legal guardians who are consumers of the child welfare agency's services to assess the quality of care given and to determine if the child welfare agency is in compliance with the Foster Parent Law [20 ILCS 520];

2) a review of a representative sample of child care facilities supervised by the child welfare agency, which may include site visits to these facilities;

3) a review of unusual incident reports, child abuse/neglect reports, financial and payment records, and other agency performance indicators to evaluate the quality of care provided through the agency;

4) interviews of child welfare agency employees, foster parents, biological parents, children receiving care through the licensed child welfare agency, and other clients that receive services from the child welfare agency; and

5) a review of the records, staffing, and operations of any branch offices operated by the child welfare agency.

e) The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. If the Department is satisfied that the

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facility continues to be in compliance with minimum standards which it prescribes and publishes, it shall renew the license to operate the facility. [225 ILCS 10/6] A copy of the licensing study will be made available to the license applicant upon payment of all copying costs.

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.150 Acceptance of Accreditation in Lieu of License Renewal Study
EMERGENCY

a) When a program of the child welfare agency is fully accredited by the Council on Accreditation of Services for Families and Children, 520 Eighth Avenue, Suite 2202B, New York, New York 10018 and there have been no substantiated licensing complaints which affect the health, safety, morals, or welfare of children served by that program for the last four years, that program of the child welfare agency is deemed to be in compliance with the program requirements of this Part. The license renewal study need not evaluate program elements for child welfare programs which are fully accredited by the Council on Accreditation of Services for Families and Children.

b) The Department shall verify in writing with the Council on Accreditation of Services for Families and Children that the program's accreditation continues to be in good standing and shall conduct annual monitoring visits to verify the continued compliance of the child welfare agency with the requirements of this Part.

c) If a licensing complaint is substantiated against an accredited child welfare agency, the Department licensing representative shall notify in writing the Council on Accreditation of Services for Families and Children of the substantiated complaint. The child welfare agency shall receive a copy of this notice.

d) If a substantiated licensing complaint may affect the health, safety, morals, or welfare of the children served by the child welfare program, the program shall be removed from "deemed status" and a full license study conducted.

e) Nothing in this Section is intended to preclude a complete licensing study of programs operated by the child welfare agency which have not been accredited by the Council on Accreditation of Services for Families and Children.

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.160 Voluntary Surrender of License
EMERGENCY

a) At any time, a licensee may offer to voluntarily surrender a valid

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license. The licensee must verify whether:

- 1) the Department is investigating the child welfare agency for any licensing complaint or report of suspected abuse or neglect involving the agency;
 - 2) litigation is pending between the child welfare agency and the Department; or
 - 3) the child welfare agency suspects that it or facilities supervised by it are under investigation by any state agency or any state, their respective inspectors general, or any local, State or federal law enforcement agency.
- b) The child welfare agency shall attach to the offer of voluntary surrender a complete listing of the names and addresses of all licensed child care facilities supervised by it, of any pending license applications, and of any license exempt day care homes, relative care homes, independent living facilities, or other programs operated by the child welfare agency.
- c) Before accepting a voluntary surrender of license, the regional licensing administrator shall review the listing of the names and addresses of the facilities and programs supervised by the child welfare agency to determine whether it is complete and correct. In addition, the regional licensing administrator shall determine whether:
- 1) the Department is investigating the child welfare agency for any licensing complaint or report of suspected abuse or neglect involving the agency;
 - 2) litigation is pending between the child welfare agency and the Department; and
 - 3) the Department has been notified by another state agency, their respective inspectors general, or any local, State or federal law enforcement agency that the child welfare agency is under investigation.
- d) The Department may discharge its obligation to determine whether an investigation is pending and whether the Department has received notice of an investigation by the DCFS-Office of the Inspector General or any local, State or federal law enforcement agency, by examining local licensing records, reviewing the voluntary offer of surrender signed by the child welfare agency, checking with the Central Office of Licensing, the State Central Register, the DCFS-Office of Inspector General, the Office of Legal Services, and the Office of Internal Audits.
- e) If the licensee has verified and the Department has determined that the child welfare agency is not under investigation and not engaged in litigation with the Department, a licensing representative may, but is not required to, accept the offered voluntary surrender of the license. Such voluntary surrenders must be executed on the form prescribed in Appendix E of this Part.
- f) If the licensee has verified and the Department has determined that the child welfare agency is under investigation or is engaged in

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litigation against the Department, only a DCFS licensing administrator may, but is not required to, accept the offered voluntary surrender of the license. Such voluntary surrenders must be executed on the form prescribed in Appendix F of this Part.

- g) If, at any time after the acceptance of a voluntary surrender of license, the Department discovers that the child welfare agency knew or should have known that it was under investigation at the time it offered to surrender its license and failed to disclose the information to the Department, the Department at its option may set aside its acceptance of the surrender and proceed to take appropriate action against the licensee and the license, including, but not limited to, the revocation of the license or refusal to renew the license.

(Source: Emergency added at 21 Ill. Reg. 015, effective 01/01/1994, for a maximum of 150 days)

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section 401.200 Incorporation

EMERGENCY

The child welfare agency shall be incorporated, either for profit or not for profit. The Board of Directors of the corporation shall consist of at least nine members, at least five of whom shall be Illinois residents. A copy of the certificate and articles of incorporation shall be filed with the Department at the time of application. A copy of any later amendment to the articles of incorporation or a copy of a certificate of dissolution shall be filed with the Department no later than 30 days after it occurs. If the child welfare agency is incorporated as a not-for-profit agency, the agency also must submit proof of the Internal Revenue Service ruling on its not-for-profit status and proof whether it has registered as a charitable organization with the Illinois Attorney General. The child welfare agency shall notify the Department in writing of any change in its not-for-profit or charitable organization status within 30 days after notice from the Internal Revenue Service or Attorney General, respectively.

(Source: Emergency added at 21 Ill. Reg. 015, effective 01/01/1994, for a maximum of 150 days)

Section 401.210 Composition and Responsibilities of the Governing Body

EMERGENCY

- a) The governing body of a child welfare agency shall be all members of the Board of Directors of the corporation. The Board of Directors shall be composed of persons who reflect a diversity of strengths and perspectives, bring appropriate skills and experience to the Board of Directors, and reflect the community being served.

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- b) Each member of the governing body of the child welfare agency and principal shareholders (owning 5% or more of the corporate stock) shall be of reputable and responsible character who shall certify that they have never been convicted of a felony or indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect.
- c) The governing body may create an executive committee or a child welfare committee that has been delegated limited decisionmaking authority. The executive committee may act on behalf of the governing body in emergency matters.
- d) The governing body shall:
- 1) establish written by-laws which govern the major operations of the agency and which outline the duties of the officers of the board of directors and committees to be established by the board of directors;
 - 2) set long range goals for the agency;
 - 3) if incorporated as a not-for-profit corporation, adopt a conflict of interest policy which requires, at a minimum:
 - A) that no member of the board of directors may derive or appear to derive any personal profit or gain, directly or indirectly, by reason of his or her membership on the board of directors or because of services provided to the board;
 - B) that each board member must disclose to the board any personal interest which he or she may have in any current or potential matter before the board and refrain from participating in any decision on such matters;
 - C) that no member of any employee's immediate family may serve on the board of directors for the child welfare agency and no member of any board member's immediate family may become an employee or independent contractor of the agency; and
 - D) that no board member may receive financial compensation from State funds for attending board meetings, including an allowance or reimbursement for out-of-pocket expenses associated with attending the meeting;
 - 4) insure that the child welfare agency operates at all times with a qualified, full-time executive director who, by official written notice, is made known to the Department. The governing body shall:
 - A) approve a written job description for the agency executive director which delineates the executive director's responsibilities and authority and the governing body's expectations of the agency executive director;
 - B) review and authorize all compensation for the agency executive director, including salary, allowances, memberships or other benefits;
 - C) evaluate the agency executive director in writing at least annually;
 - 5) insure that an adequate process is in place for recruiting,

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- hiring, and maintaining qualified child welfare supervisors and other staff required by this Part;
- 6) hold at least quarterly meetings, unless the agency holds a provisional license, thus requiring a minimum of bi-monthly meetings of the board of directors;
- 7) keep written records or minutes of all board meetings reflecting official actions of the board which shall contain, at a minimum, the date of each board meeting, the persons who were in attendance, the issues discussed in the meeting, any committee reports made to the board, the decisions made and actions taken. Such minutes shall be available for review by the Department's licensing representative, upon request;
- 8) officially notify the Department in writing within 30 days after a change in the executive director of the child welfare agency or of any major changes in the corporate structure, including, but not limited to:
- A) changes in the articles of incorporation or by-laws;
 - B) changes in the not-for-profit status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the Illinois Attorney General;
 - C) addition of any principal shareholder owning at least 5% of the stock of the corporation; or
 - D) changes in the governing body or its officers;
- 9) establish written policies of the child welfare agency which shall be made available to all board members and employees, including services to be provided by the agency, admissions, personnel policies, fiscal operations, care of children, and other policies as needed to direct the agency, such as family visitation and community contacts with children;
- 10) provide and maintain permanent offices accessible to the public and appropriate for the administrative program and supportive services. These offices, including all branch offices, shall be staffed during the business hours established by the agency, shall be equipped with telephones, and shall have a permanent mailing address;
- 11) maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for review by authorized persons;
- 12) insure fidelity bonding of fiscally responsible officers and employees against breach of fiduciary duty or the loss of monies, securities, or other property which the agency may sustain through any fraudulent or dishonest act committed by an officer or employee acting alone or in collusion with others. These employees must be bonded regardless of whether the employee is elected or appointed or whether the employee is compensated by salary;
- 13) insure that the child welfare agency maintains adequate assets,

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as defined in Section 401.40, for responsible fiscal operation of the agency; and

- 14) insure that all persons working directly with children are of reputable and responsible character, as verified by their employment history of at least the past three years, the status of any professional license they hold, and completion of the background checks required by 89 Ill. Adm. Code 385, Background Checks.

- f) Child welfare agencies fully licensed as of the effective date of this Section have one year from the effective date of this Section to attain compliance with the requirements of this Section.

(Source: Emergency added at 21 Ill. Reg. 615, effective 1/1/97, for a maximum of 150 days)

Section 401.220 Organization and Administration

EMERGENCY

- a) The members of the governing body are responsible for maintaining the standards set forth in this Part. The governing body may delegate responsibility for day-to-day compliance with these standards to the agency executive director.

- b) The Office of Legal Services, Department of Children and Family Services, 100 W. Randolph, Chicago, Illinois 60601 shall be notified in writing within ten business days after receipt of any notice of legal action which may affect the child welfare operations of the agency. The notice shall include a copy of all complaints, notices, demands, orders and other relevant materials received by the agency. A copy of all materials shall be forwarded to the Central Office of Licensing.

- c) A complete, current set of licensing standards for child welfare agencies and all types of child care facilities supervised by the child welfare agency shall be available at all times in an area that is accessible to agency employees.

- d) The executive director and child welfare supervisors and staff shall have a working knowledge of the Child Care Act of 1969 [225 ILCS 10], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505], the Juvenile Court Act of 1987 [705 ILCS 405], the Adoption Act [750 ILCS 50], and the Foster Parent Law [20 ILCS 520].

- e) Employees of a child welfare agency are mandated to report suspected child abuse or neglect directly to the State Central Register and are required to acknowledge their status as mandated reporters by signing a form prescribed by the Department when they begin their employment. Such reports shall be made immediately to the State Central Register as required by the Abused and Neglected Child Reporting Act. The telephone number for reporting is 800-252-2873.

- f) The child welfare agency shall develop a risk management plan, as

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described in Appendix D of this Part, that identifies potential financial and operational risks, specifies ways to reduce or eliminate the risks, and establishes procedures to be followed in an emergency or crisis.

- g) The child welfare agency shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.

(Source: Emergency added at 21 Ill. Reg. 615, effective 1/1/97, for a maximum of 150 days)

Section 401.230 Finances

EMERGENCY

- a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. 101(26).)

- b) The agency shall designate a chief fiscal officer who is responsible for developing an annual operating budget. The executive director shall submit the annual operating budget to the board of directors for its use in monitoring the financial operations of the agency throughout the year. The board shall review and vote whether to accept, modify, or reject the proposed annual operating budget. A copy of the approved annual operating budget shall be appended to the minutes of the meeting.

- c) At least once per quarter, a report shall be submitted comparing budgeted revenues and expenses with actual revenues and expenses to the board of directors for their review and acceptance, request for modification, or rejection as insufficient.

- d) The agency shall maintain fiscal records which shall include:

- 1) current and projected operating budget;
- 2) quarterly analysis of projected versus actual revenues and expenses;
- 3) records of a corrective plan to reduce the agency's deficit, if any, and progress toward complying with that plan; and
- 4) financial records annually audited and certified by public accountants not otherwise affiliated with the agency.

- e) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by authorized representatives of the Department.

- f) A certified copy of the agency's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request. In addition, the agency shall sign a written consent which authorizes Department staff to access the work papers of the

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independent auditor to verify the findings of the auditor and determine how the responses to the financial analysis required by Appendix C of this Part were developed.

- g) The agency shall submit the original financial analysis to the authorized licensing representative and a copy to the Central Office of Licensing on the form prescribed in Appendix C of this Part. The financial analysis shall be submitted to the Department within 180 days after the end of the agency's fiscal year. The prescribed form shall be completed and signed by the auditor who performed the agency's annual audit, the chief fiscal officer, and the head of the governing body.

(Source: Emergency added at 21 Ill. Reg. 0151, effective 01/01/04, for a maximum of 150 days)

Section 401.240 Background Checks EMERGENCY

The agency shall have appropriate personnel procedures in place to insure that all persons subject to the background checks required by 89 Ill. Adm. Code 385, Background Checks, authorize such checks and submit to fingerprinting (when required). The agency shall insure that only designated personnel review the background check information and make decisions about the suitability of the individual for licensure or employment. All background check information shall be maintained separately in a confidential file, apart from the employee's personnel records.

(Source: Emergency added at 21 Ill. Reg. 0151, effective 01/01/04, for a maximum of 150 days)

Section 401.250 Required Reporting to the Department EMERGENCY

- a) Staff and Volunteers

The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department:

- 1) An individual report on each new employee or member of the governing body (including the owner, operator, principal shareholder owning at least 5% of the stock of the corporation or director) shall be filed with the Department within 30 days after the employment of the new employee or appointment of a new member of the governing body. A copy of this report shall be kept at the agency.

- 2) Copies of documentation of verification of educational achievement and documentation of prior work history (when required to qualify for the current position).

- b) License Status of Child Care Facilities Supervised by the Child

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Welfare Agency

The child welfare agency shall immediately report in writing to the Department licensing office when the license status changes for a foster family home or day care home supervised by the agency. Such changes in license status may include, but are not limited to:

- 1) failure or refusal to renew the license;
- 2) revocation or voluntary surrender of the license;
- 3) change in the status of licensees (death, divorce or separation of a husband and wife, change in not-for-profit status);
- 4) change of address of the licensee;
- 5) change in license capacity;
- 6) transfer of license supervision to another supervising child welfare agency; or
- 7) foster or adoptive family moves out-of-state.

Unusual Incident Reports

- 1) Involving Children

The governing body or its designee shall orally report any unusual incidents involving children at the earliest reasonable time, but no later than the next business day after the incident, to the child's parent or guardian, caseworker (if the Department is legally responsible for the child) and the Department licensing representative. If the agency is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Unusual incidents include accident or injury requiring hospitalization, death, arrest, or other emergency situations. Oral reports shall be confirmed in writing within two business days after the occurrence.

- 2) Involving Employees, Foster Parents, or Relative Caregivers. The governing body or its designee shall report to the Department licensing representative any work or service related unusual incident which results in the death, accident or injury resulting in hospitalization, or alleged commission of a felony involving any child welfare agency employee, foster parent, day care provider, or relative caregiver. A verbal report shall be made within 24 hours after the occurrence and shall be confirmed in writing within two business days after the occurrence.

(Source: Emergency added at 21 Ill. Reg. 0151, effective 01/01/04, for a maximum of 150 days)

Section 401.260 Required Record Keeping EMERGENCY

- a) The child welfare agency shall maintain current records on each child receiving care or services, on agency personnel (refer to Section 401.370, Personnel Records), and on each facility operating under its supervision.

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- b) The child welfare agency shall maintain licensing records on all foster family and day care homes under its licensing supervision. The child welfare agency shall insure that facilities operating under its supervision maintain all the records required by the appropriate licensing standards for the facility.
- c) Records for each child shall include an admission study, legal documents and agreements for care, as required, and case recording which reflects the on-going placement supervision, service planning, care and treatment of the child.
- d) When a child is discharged from the agency's care, records shall include the reason for discharge, the legal status of the child, to whom the child is discharged, family reunification or after-care services to be provided, and any recommendation for the child's future care.
- e) Records shall be kept in safe, locked places within the State of Illinois. Access to such records shall be limited to authorized persons only.
- f) Department licensing representatives shall have access to all records and reports pertaining to programs operated by the child welfare agency, even if the Department is not legally responsible for the children involved in those programs. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Emergency added at 21 Ill. Reg. 0153, effective 1/1/89, for a maximum of 150 days)

Section 401.270 Records Retention**EMERGENCY**

- a) General and financial records required of the child welfare agency shall be maintained for at least five years.
- b) Personnel records shall be retained for at least five years after termination of the person's employment.
- c) Licensing records shall be maintained for at least five years after termination of the foster family or day care home license.
- d) Child case records shall be maintained for five years after the child attains the age of 21. At least five years after the child attains the age of 21, the record may be purged so that only family, medical, and biographical information is retained. The family, medical, and biographical information shall be maintained for at least 15 years after the child attains the age of 21, unless the child has been adopted. If the child has been adopted, the family, medical, and biographical information on the child shall be retained for at least 99 years after the child attains the age of 21.

- e) When an agency license is revoked, the Department refuses to renew the license, or for any other reason the agency ceases operations, the child welfare agency shall provide the Department with the original or a complete copy of all child case records and licensing records for

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the children and families it has served and for the foster family and day care homes which had been under its supervision.

(Source: Emergency added at 21 Ill. Reg. 0153, effective 1/1/89, for a maximum of 150 days)

SUBPART D: PERSONNEL REQUIREMENTS**Section 401.300 The Executive Director****EMERGENCY**

- a) The child welfare agency shall hire an executive director who shall be a full-time employee designated by the governing body to carry out the day-to-day management of the child welfare agency and the policies and procedures established by the governing body. When the child welfare agency operates within a larger, multi-service agency, the executive director responsible for the child welfare agency need not be the chief executive officer for the multi-service agency.
- b) The executive director shall have:

- 1) a Master's of Social Work degree from an accredited school of social work and three years' work experience in social work administration; or
 - 2) a Master's Degree in a human services field and five years work experience in human services administration.
- c) If the executive director also serves as the child welfare supervisor, the executive director also must meet the qualifications in Section 401.310 for the child welfare supervisor.
- d) All persons currently serving as executive director who have served in that capacity for a minimum of five years immediately preceding the adoption of this Section shall continue to be deemed qualified for their position as executive director.
- e) A qualified supervisor or manager shall be appointed to act on behalf of the executive director when the executive director is absent and cannot be reached in the event of an emergency.

- f) If the executive director is to be on leave for more than one month or has left prior to a replacement, the Department shall be notified within ten business days of the name of the person appointed as acting executive director. The acting executive director shall have the qualifications required of an executive director as specified in this Section.

(Source: Emergency added at 21 Ill. Reg. 0152, effective 1/1/89, for a maximum of 150 days)

Section 401.310 Child Welfare Supervisors**EMERGENCY**

Child welfare supervisors shall have a Master's of Social Work degree from an

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accredited school of social work or an equivalent Master's Degree in a human services field from an accredited school and two years of full-time supervised experience in a social work setting. (See Section 401.320, Appendix G for the list of degrees which are accepted as human service degrees.)

(Source: Emergency added at 21 Ill. Reg. 0451, effective 1/1/99, for a maximum of 150 days)

Section 401.320 Child Welfare Workers

EMERGENCY

- a) Child welfare workers perform administrative duties, supervise placement of children, evaluate goals for placement, prepare progress reports, provide services to family members, arrange and supervise visits between children in placement and their family members and siblings, recommend discharge or placement of children, and keep required records. Child welfare workers shall have at least a Bachelor's Degree from an accredited school in social work or a human services field, and shall be under the supervision of a qualified child welfare supervisor. (See Section 401.320, Appendix G for the list of degrees which are accepted as human service degrees.)
- b) All persons currently serving as child welfare workers who have served in that capacity for a minimum of one year immediately preceding the adoption of this Section shall continue to be deemed qualified for their position.

(Source: Emergency added at 21 Ill. Reg. 0451, effective 1/1/99, for a maximum of 150 days)

Section 401.330 Licensing Staff

EMERGENCY

Child welfare agencies may have staff who are trained and authorized to perform the licensing function as part of their duties as a child welfare worker or may designate licensing as a separate function as long as the staff meet the minimum qualifications to serve as a child welfare worker. Regardless of whether licensing is performed by child welfare workers or by separate licensing workers, each staff member who studies foster family homes, adoptive homes, or day care homes must meet the requirements for a child welfare worker in Section 401.320 and must be tested by the Department and determined to be qualified to examine each type of facility for licensure before performing any licensing duties. Evidence of successful completion of the licensing examination shall be maintained in the employee's personnel file.

(Source: Emergency added at 21 Ill. Reg. 0451, effective 1/1/99, for a maximum of 150 days)

Section 401.340 Professional Staff

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EMERGENCY

Professional staff such as social workers, clinical social workers, psychologists, psychiatrists, physicians, dentists, teachers, occupational therapists, physical therapists, marriage and family therapists, and professional counselors must provide, prior to rendering service to the agency as an employee or independent contractor, a copy of their currently valid license for the child welfare agency's records. This applies to all full time, part time, and contractual staff or consultants which provide services to children through the auspices of the child welfare agency. The child welfare agency shall verify with the Department of Professional Regulation or other licensing entity that the license is a valid professional license. Appendix H of this Part lists the professionals who are required to be licensed or registered and the statutory citation for that requirement.

(Source: Emergency added at 21 Ill. Reg. 0451, effective 1/1/99, for a maximum of 150 days)

Section 401.350 Support Personnel

EMERGENCY

Clerical and secretarial services shall be provided to maintain correspondence, records, bookkeeping and files in current and good order. Janitorial and maintenance staff or services shall be provided to keep the building and grounds in proper order.

(Source: Emergency added at 21 Ill. Reg. 0451, effective 1/1/99, for a maximum of 150 days)

Section 401.360 Use of Volunteer Services

EMERGENCY

- a) Volunteers may be used in any position for which they are qualified. If volunteers are used as replacement or supplemental staff, as defined in Section 401.40, Definitions, the volunteer shall comply with the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and becomes mandated to report suspected child abuse or neglect upon acceptance of the volunteer position.
- b) Volunteers used to transport children must comply with the requirements of Section 401.450, Transportation.
- c) Records shall be maintained on all volunteers who are used as replacement or supplemental staff. Such records shall contain the volunteer's name, address, phone number, and verification of the volunteer's qualifications for the assigned duties. In addition, any acknowledgments or certification required to verify compliance with the requirements of this Part shall be included in the volunteer file.

(Source: Emergency added at 21 Ill. Reg. 0451, effective 1/1/99)

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Section 401.370 Non-Discrimination Against Employees Who Report Suspected Licensing Violations
EMERGENCY

No employer shall discharge, demote, or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee who:

- a) makes any good faith oral or written complaint of any employer's violation of any licensing or other laws which may result in closure of the facility pursuant to Section 11.2 of the Child Care Act of 1969 [225 ILCS 10/11.2]; or
- b) institutes or causes to be instituted against any employer any proceeding concerning the violation of any licensing or other laws, including a proceeding to revoke or refuse to renew a license; or
- c) is or will be a witness or testify in any proceeding concerning the violation of any licensing or other laws, including a proceeding to revoke or refuse to renew a license; or
- d) refuses to perform work in violation of a licensing regulation or other law or regulation after notifying the employer of the violation. [225 ILCS 10/7.2]

(Source: Emergency added at 21 Ill. Reg. 0232, effective , for a maximum of 150 days)

Section 401.380 Personnel Records
EMERGENCY

- a) The child welfare agency shall maintain personnel records on all employees of the agency, whether full-time or part-time. These records shall contain:

- 1) a copy of the form required to be sent to the Department of Children and Family Services which contains information on persons employed by a child welfare agency;
- 2) a certified transcript of the employee's educational achievements, when required for the individual's position. Foreign credentials require additional documentation providing a certified translation and statement of the equivalency in the U.S. educational system;
- 3) verification the employee holds a valid professional license (if required by law);
- 4) acknowledgment on a form prescribed by the Department of the employee's status as a mandated reporter of child abuse and neglect by virtue of his or her employment;
- 5) the employee's work history and residence for the past three years. When the employee's work experience is considered part of the individual's qualifications for his or her current position, the child welfare agency must verify the employee's stated work

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history:

- 6) if the employee or his or her supervisor examines foster family homes or day care homes for licensure, verification that the employee and supervisor has passed the licensing examination for all types of facilities the employee examines or supervises;
- 7) if the employee transports children, proof of insurance and a valid driver's license and the certification required by Section 401.450(c); and
- 8) a copy of each employee's annual evaluation and any progressive discipline provided to an employee. Such records of progressive discipline shall be maintained in accordance with the personnel policies approved by the governing body.

- b) Authorizations for and the results of a background check, as required by 89 Ill. Adm. Code 385, Background Checks, shall be maintained in a separate and confidential file.

(Source: Emergency added at 21 Ill. Reg. 0232, effective , for a maximum of 150 days)

SUBPART E: SERVICES TO CHILDREN

Section 401.400 Legal Safeguards of Children Served
EMERGENCY

The agency shall have written verification of the legal status for all children accepted for care and service. There shall be written financial agreements between the child welfare agency, foster family parents, and the legal guardian, court, or another agency, as applicable and appropriate for the care of the child and the management of any monies or benefits received on the child's behalf.

(Source: Emergency added at 21 Ill. Reg. 0232, effective , for a maximum of 150 days)

Section 401.410 Required Written Consents
EMERGENCY

- a) The agency shall secure specific, dated, time-limited, written consents from the child's parent, guardian, or other legal custodian before approving certain actions which may include but are not limited to:

- 1) health care and treatment, including medical, surgical, psychiatric, and dental, except under emergency circumstances when such consents are not required by the Consent by Minors to Medical Procedures Act [410 ILCS 210];
- 2) administration of psychotropic medications;
- 3) religious instruction and/or church attendance in a different faith;

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- 4) work programs, enlistment in the armed services, and car ownership;
 - 5) visits, trips, or excursions which last more than 72 hours or which involve out-of-state travel;
 - 6) use of photographs for publicity or other purposes;
 - 7) consent to marriage for children under age 18;
 - 8) participation in research projects, especially those which involve wards of the State of Illinois; and
 - 9) consent to attend school in another district.
- b) Any written or verbal consent or authorization which conflicts with the requirements of this Part is invalid.

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.420 Agency ResponsibilityEMERGENCY

- a) Each child served by the agency shall, at all times, have a designated child welfare worker assigned or, for a period of time not to exceed 30 days, the case may be assigned to a child welfare supervisor.
- b) Children in placement shall be seen by the child welfare worker assigned to the case at least once every month.
- c) When family reunification is the goal, services shall be provided to the biological family and siblings of the child in placement.
- d) Each licensed facility supervised by the child welfare agency shall be visited by the licensing worker of the agency at least semi-annually to insure that the standards for licensing continue to be met.
- e) Critical decisions regarding a child, such as accepting for placement, subsequent placements, determination of or changes in the service plan, and discharge from care, shall be reviewed by the child welfare supervisor prior to implementation and when needed. These critical decisions shall result in a revised service plan.
- f) A comprehensive written admission study shall be completed within 30 days after admission and shall include:
 - 1) child's name, birth date, place of birth, sex, race, religious affiliation, primary language, legal status including the legal status of the parents, and present address;
 - 2) names, birth dates, places of birth, marital status, sex, race, religious affiliation, primary language, addresses, and telephone numbers of the child's biological and adoptive parents;
 - 3) date and facility of placement and information concerning any special care or treatment provided to the child and his or her family; and
 - 4) reasons for, and the goal of, placement.
- g) The child and/or his or her parent or guardian shall be active participants, to the extent possible, in all decisions regarding the reasons for, and the goal of placement, the child's educational plan,

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- and the service agreement.
- h) Child welfare agencies that license or supervise foster family homes shall comply with the Foster Parent Law [20 ILCS 520].

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.430 Interstate Placement of ChildrenEMERGENCY

An agency placing children outside the State of Illinois or receiving children from outside the State shall adhere to all rules and regulations of legal authorities pertaining to such placements and to the requirements of the Interstate Compact on the Placement of Children Act [45 ILCS 15], where applicable, and Department rules, 89 Ill. Adm. Code 328, Interstate Placement of Children.

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 401.440 Health and Medical Services for ChildrenEMERGENCY

- a) The agency shall have written policies providing for medical, surgical, and dental care for children in placement. Such policies shall be formulated in consultation with physicians and dentists licensed to practice in the State of Illinois.
- b) Medical records on each child shall be maintained, including medical history, parental or guardian consent for medical treatment, report of admission examination, all subsequent examinations, diagnoses, illnesses, immunizations, treatment, and discharge examination.
- c) A complete medical history shall include:
 - 1) current problems, medications and handicaps, past health conditions such as diseases, allergies and surgeries, immunizations and dates, and report of most recent physical examinations; and
 - 2) all available information pertaining to the health history of the child's family.
- d) Children shall be examined annually or more frequently if findings and medical opinion indicate a need. Diagnosed medical problems shall be treated promptly.
- e) Dental examinations shall be given at least annually. Diagnosed dental defects shall receive prompt treatment.
- f) Immunizations and tests shall be administered as required by the Illinois Department of Public Health rules, Immunization Code (77 Ill. Adm. Code 695), or as recommended by the child's physician.
- g) Immunizations must be waived or modified for a child who, for medical reasons, should not be subject to an immunization or when there is a

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waiver on religious grounds.

- h) If treatment for any physical impairment which requires continuing or follow-up medical attention is needed, the parent, guardian or other facility shall be notified in writing.

(Source: Emergency added at 21 Ill. Reg. 0151.1, effective 01/01/88, for a maximum of 150 days)

Section 401.450 Transportation of ChildrenEMERGENCY

- a) These requirements apply to any child welfare agency that provides or arranges for the transportation of children to or from their home, whether a permanent home or a foster family home, to other prearranged sites, e.g., to another placement, for visits with family members, to a physician or to another professional.

- b) The child welfare agency must insure that all persons who transport children on behalf of the agency hold a valid driver's license and have insurance, as required by the Illinois Vehicle Code [625 ILCS 5]. [Persons with a special driving permit are not considered to have a valid driver's license.]

- c) The child welfare agency shall ask all drivers to answer the following questions in writing and shall include the response to these questions in their personnel files. Persons who answer "yes" to either question (1) or (2) shall not be permitted to transport children.

- 1) Has your driver's license been revoked or suspended within the past three years for driving under the influence, manslaughter, reckless homicide, or any other reason?

- 2) Have you caused an accident which resulted in the death of any person within the past five years?

- d) The child welfare agency shall adopt emergency procedures to be followed in the event of an accident, serious illness, or severe weather. Copies of these procedures and other pertinent information shall be provided to all persons driving on behalf of the child welfare agency.

- e) Age-appropriate safety restraints which are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints are not required when children ride as passengers in taxicabs or common carriers or public utilities.

- f) No more than one child may be in each seat belt or safety restraint.

(Source: Emergency added at 21 Ill. Reg. 0151.1, effective 01/01/88, for a maximum of 150 days)

Section 401.460 Agency Supervised Foster Family Homes, Group Homes and DayCare HomesEMERGENCY

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- a) Foster family and day care homes operated and supervised by a child welfare agency shall be licensed according to the standards prescribed and published by the Department for licensing such foster family and day care homes.

- b) The child welfare agency shall submit an application for a license on forms provided by the Department for each foster family home and day care home supervised by it. The child welfare agency shall recommend the licensure of or denial of license of family homes supervised by the child welfare agency. The child welfare agency shall make these recommendations to the Department in accordance with 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, and 89 Ill. Adm. Code 406, Licensing Standards for Day Care Homes.

- c) The child welfare agency supervising a group home licensed by the Department shall be responsible for ensuring the facility operates in accordance with the applicable licensing standards prescribed by the Department. When the child welfare agency intends to supervise a group home, the child welfare agency shall forward the group home license application and necessary documentation to the Department. Department's licensing staff shall conduct a license study and determine whether the group home is in compliance with 89 Ill. Adm. Code 403, Licensing Standards for Group Homes.

(Source: Emergency added at 21 Ill. Reg. 0151.1, effective 01/01/88, for a maximum of 150 days)

Section 401.470 Agency Responsibilities for Adoption ServicesEMERGENCY

Child welfare agencies must assure the Department that placements of children for adoption are made in the best interests of the children and are selected to meet the needs of the child at the time of the placement and as the child grows and develops. In addition to meeting all requirements for a child welfare agency described in this Part, agencies which provide adoption services must meet the following additional requirements:

- a) have guidelines and eligibility criteria for the selection and evaluation of adoptive home applicants;

- b) provide pre-placement services which include the assessment and preparation of the potential adoptive family as well as the child in need of an adoptive home;

- c) provide the adoptive family with all non-identifying information about the child which has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified;

- d) ensure that the legal rights of all parties, including the birth parents, the child, and the adoptive parent are protected throughout the adoption process.

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- e) provide the adoptive family, through written agreements, with a clear explanation of the charges and costs the family will incur in the adoption process;
- f) comply with all State and federal laws and the requirements of 89 Ill. Adm. Code 333. Intercountry Adoption Services, when the adoptive placement involves a child from a foreign country; and
- g) meet the requirements of 89 Ill. Adm. Code 309, Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible, when providing adoption services to children who are the legal responsibility of the Department.

(Source: Emergency added at 21 Ill. Reg. 215111, effective 11/1/11, for a maximum of 150 days)

SUBPART F: SEVERABILITY CLAUSE

Section 401.500 Severability of This Part
EMERGENCY

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Emergency added at 21 Ill. Reg. 215111, effective 11/1/11, for a maximum of 150 days)

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Section 401.APPENDIX A Licensing Progression for Child Welfare Agencies
EMERGENCY

License StatusExplanationPermit

Issued only once prior to issuance of a provisional license for not more than six months to enable a new child welfare agency to come into reasonable compliance with licensing standards before an initial, provisional license is issued.

Provisional License

Issued for the first two years of initial licensure to allow a newly licensed facility a period of time to demonstrate the ability to operate the child welfare agency responsibly and remain in compliance with licensing standards. Allows the Department of Children and Family Services to evaluate the quality of licensing and child welfare services provided by the agency. A provisional license may also be issued when a child welfare agency reapplies for licensure after the prior license was voluntarily surrendered, revoked or the Department refused to renew the license.

Full License

Issued after a child welfare agency has completed its provisional license period when the agency is in reasonable compliance with licensing standards and has demonstrated the ability to operate the child welfare agency responsibly.

Conditional License

Issued for not more than six months to enable a child welfare agency to correct deficiencies in its operations which do not jeopardize the health, safety, morals or welfare of the children served. Any other license held by the agency is revoked when a conditional license is issued. If the facility fails to correct the deficiencies and meet all licensing standards at the end of the conditional license period, the Department shall deny full license. (See 225 ILCS 10/8.2.)

Deemed Status

Programs of the child welfare agency are deemed to be in full compliance with the requirements of this Part because the program is fully accredited by the Council on Accreditation of Services for Families and Children and there have been no substantiated licensing complaints which affect

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the health, safety, morals, or welfare of children served by the agency during the past four years. The Department shall conduct annual monitoring visits to verify continued compliance with the requirements of this Part.

(Source: Emergency added at 21 Ill. Reg. 015.11, effective _____, for a maximum of 150 days)

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Section 401.APPENDIX B Requirements for Operation of Branch Offices
EMERGENCY

A multi-site child welfare agency may operate branch offices. The headquarters of the child welfare agency may delegate authority, in accordance with the requirements of this Appendix B, to the branch offices to receive licensing applications from foster family and day care home applicants and make recommendations for licensure directly to the Department. The child welfare agency headquarters authorization of delegation of licensing authority to the branch office must be in writing, signed by the executive director of the child welfare agency, and must include the following:

- = the name of the administrative staff person primarily responsible for the day-to-day operation of the branch office; and
- = the address, phone number and office hours for the branch office; and
- = the names of the staff persons in the branch office who have passed the licensing examinations required by the Child Care Act of 1969, thus qualifying them to conduct license studies, and the types of facilities which they are qualified to examine.

The written delegation of authority must be filed with the regional licensing office serving the branch office of the child welfare agency and, if different, the regional office licensing the child welfare agency headquarters. If the child welfare agency is fully licensed in good standing and the branch office has sufficient qualified staff who have passed the licensing examinations for the types of facilities to be licensed by the branch office of the child welfare agency, the regional licensing administrator shall approve the operation of the branch office for the recommendation of foster family and day care home licenses.

Any and all enforcement actions (orders for compliance, license revocation, conditional license, provisional license, etc.) will be handled through the child welfare agency headquarters with a copy to the branch office of the child welfare agency.

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

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Section 401.APPENDIX C Financial Analysis of Child Welfare Agency Operations
EMERGENCY

A certified public auditor who is not affiliated with the child welfare agency, other than to perform the annual audit required by this Part, shall prepare responses to the following questions about the operations of the child welfare agency for the prior fiscal year and submit them to the Department within 180 days after the end of the agency's fiscal year. This response shall be signed and dated by the auditor, the executive director, and head of the agency's governing body. When the child welfare agency functions within a larger multi-service agency, the responses to these questions shall be limited to the operation of the child welfare agency.

- 1) Does the agency have an adequate accounting or bookkeeping system which accounts for receipts, disbursements, assets and liabilities?
- 2) Does the bookkeeping system include, minimally, a chart of accounts and appropriate accounting journals?
- 3) Has the agency failed to meet any agency payroll in accordance with the specified payroll schedule?
- 4) Has the agency failed to pay relative caregivers or foster parents in accordance with the established payment schedule?
- 5) Has the agency been delinquent in paying its payroll taxes or other tax liabilities?
- 6) Has the agency defaulted on agency debts?
- 7) Has the agency failed to bill on a timely basis for amounts due to the agency?
- 8) Has the agency failed to collect bad debts? Has the agency had to write-off bad debts?
- 9) Has the agency failed to maintain adequate assets to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days?
- 10) If the agency has a cumulative operating deficit which is not attributable to a planned one-time increase in expenditures, has the agency developed and implemented a corrective plan which has been submitted to the governing body for approval?

If the answer to any of the questions 3 through 10 is "yes", please provide details which explain the "yes" answer, attaching additional sheets as necessary.

(Source: Emergency added at 21 Ill. Reg. 3131, effective 3/1/01, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 401.APPENDIX D Minimum Requirements for a Risk Management Plan
EMERGENCY

The risk management plan required by Section 401.220(g) shall address at least the following areas of risk with the answers sufficiently explained.

- 1) What risks are presented by the child welfare services offered or supervised by the child welfare agency? How is the agency minimizing those risks?
- 2) What risks are presented to staff and caregivers in the conduct of their duties? How is the agency minimizing those risks? Does the child welfare agency provide staff with a photo identification card?
- 3) What training is provided to staff, foster parents, relative caregivers, day care home providers, or youth in independent living arrangements to help them identify and minimize risks associated with their various duties or living arrangements? Describe all required training.
- 4) Does the agency have a plan to assure the quality of services it delivers? Describe the quality assurance plan.
- 5) Are adequate investigations into the qualifications, education, and experience of staff completed before they are hired? Describe the hiring process.
- 6) Are agency personnel sufficiently qualified to provide services to the types of children accepted for care? How do staff qualifications compare to the special needs which children or youth may present?
- 7) Does the design of any building used for family and child related activities (such as rooms used for family counseling or visits) minimize risks to staff and clients?
- 8) Are buildings used by the child welfare agency appropriately maintained?
- 9) Does the agency have a regular maintenance schedule for vehicles used to transport children? If so, describe the schedule.
- 10) Does the agency require persons who transport children to use child safety restraints and make adequate child safety seats available to staff and volunteers?
- 11) Does the agency have policies in place regarding when staff and volunteers of the opposite sex may and may not be alone with clients?
- 12) Does the agency have emergency and disaster preparedness plans? Are they posted and made available to staff? If so, describe the plan and how it is made available to staff.
- 13) Has the agency addressed any deficiencies identified by the independent auditor in the management of its financial resources? Explain what actions were taken.

(Source: Emergency added at 21 Ill. Reg. 2131, effective 3/1/01, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 401.APPENDIX E Acceptance of Voluntary Surrender of License - No
Investigations Pending
EMERGENCY

OFFER OF VOLUNTARY SURRENDER BY A CHILD WELFARE AGENCY

(No investigations pending)

I, _____ (Name of head of governing body), affirm that the governing body of the (name of the child welfare agency) met on (date of meeting) and voluntarily agreed to surrender license number _____, expiration date of _____ (original license attached to this agreement).

I further state that the agency, to the best of the knowledge of myself and each member of the governing body, is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect or by the DCFS-Office of Inspector General or by any other state agency of any state or its inspector general or by any local, state or federal law enforcement agency for any reason.

I acknowledge that if, at any time after the acceptance of the offered surrender of license, the Department learns that the child welfare agency knew or should have known that it was under investigation at the time it offered to surrender its license and failed to disclose the information to the Department, the Department at its option may set aside its acceptance of the surrender and proceed to take appropriate action against the licensee and the license, including but not limited to, the revocation of the license or the refusal to renew the license.

I further state that the attached listing is a complete and correct listing of the names and addresses of the child care facilities supervised by this child welfare agency and of the license exempt day care, relative home care, independent living facilities, and other programs operated by the child welfare agency.

Printed name and title of head of governing body _____

Signature _____

/Date _____

County of _____)

) ss

State of Illinois)

Subscribed and sworn before me this _____ day of _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Notary Public _____

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING REPRESENTATIVE

(No investigations pending)

I, (name of licensing administrator), accept the voluntary surrender of this license and affirm that, to the best of my knowledge, this child welfare agency is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect, and that neither the DCFS-Office of the Inspector General nor any other state agency of any state or its office of inspector general nor any local, any state or any federal law enforcement agency has given the Department notice that this child welfare agency is under investigation. Further, no litigation exists between the Department and this agency.

Printed name and title of licensing administratorSignature of DCFS licensing administrator/Date

(Source: Emergency added at 21 Ill. Reg. 615.200, effective _____, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 401. APPENDIX F Acceptance of Voluntary Surrender of License - Investigations Pending EMERGENCYAGREEMENT FOR THE VOLUNTARY SURRENDER OF A LICENSE
(Investigations pending)

I, (name of head of the governing body), affirm that the governing body of the (name of the child welfare agency), met on (date of meeting) and agreed to voluntarily surrender license number _____, with an expiration date of _____ (original license attached to this agreement).

I further state that the child welfare agency has reason to believe that it is presently under investigation by the Department of Children and Family Services for a licensing complaint or a report of suspected abuse or neglect, by the DCFS-Office of the Inspector General or by any local, state or federal law enforcement agency for any reason, or that litigation is pending between the Department and the child welfare agency.

In the following space, identify the investigating agency and summarize the basis of the investigation, if known. Attach additional pages, if necessary.

In the following space identify all pending litigation between the Department and the child welfare agency. Provide the name of the case, docket number, and:

- a) the county in which it is filed, if a State action,
- b) appellate district, if on appeal,
- c) the district, if it is a federal action, or
- d) the circuit, if it is on appeal.

I further state that the governing body of the child welfare agency or its successor will not apply for a license as a child welfare agency until (insert date at least one year from today's date).

I further state that the attached listing is a complete and correct listing of the names and addresses of the child care facilities supervised by this child welfare agency and of the license exempt day care, relative home care, independent living facilities, and other programs operated by the child welfare agency. (Attach additional pages, if necessary.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Printed name and title of head of governing body

Signature _____/Date _____

County of _____)
) ss
State of Illinois)
 Subscribed and sworn before me this _____ day of _____.

Notary Public

ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING ADMINISTRATOR

I, (name of the licensing administrator), accept the voluntary surrender of the license and agree that the Department will not seek to revoke the license and will not refuse to renew the license if the statements made above are correct and complete. As part of this agreement, the Department will not accept another application for license as a child welfare agency before (insert date at least one year after the date of acceptance of the voluntary surrender).

Printed name and title of licensing administrator

Signature of DCFS licensing administrator/Date

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

**Section 401.APPENDIX G Acceptable Human Services Degrees
EMERGENCY**

Only the following degrees may be accepted as human services degrees.

- Early Childhood Development
- Guidance and Counseling
- Home Economics – Child and Family Services
- Human Service Administration
- Human Services
- Master Of Divinity
- Pastoral Care
- Pastoral Counseling
- Psychiatric Nursing
- Psychiatry
- Psychology
- Public Administration
- Social Science
- Social Services
- Sociology

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Printed name and title of licensing administrator

Signature of DCFS licensing administrator/Date

(Source: Emergency added at 21 Ill. Reg. _____, effective _____, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

**Section 401. APPENDIX H Professionals Who Must Be Registered or Licensed
EMERGENCY**

Type of Profession	Statute Which Requires Registration or Licensure
Athletic Trainer	Illinois Athletic Trainers Practice Act [225 ILCS 5]
Clinical Social Worker	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
Dental Assistant	Illinois Dental Practice Act [225 ILCS 25]
Dentist	Illinois Dental Practice Act [225 ILCS 25]
Dietician	Dietetic and Nutrition Services Practice Act [225 ILCS 30]
Marriage and Family Therapist	Marriage and Family Therapy Licensing Act [225 ILCS 55]
Nurse	Illinois Nursing Act of 1987 [225 ILCS 65]
Occupational Therapist	Illinois Occupational Therapy Practice Act [225 ILCS 75]
Optometrist	Illinois Optometric Practice Act of 1987 [225 ILCS 80]
Pharmacist	Pharmacy Practice Act of 1987 [225 ILCS 85]
Physical therapist	Illinois Physical Therapy Act [225 ILCS 90]
Physician	Medical Practice Act of 1987 [225 ILCS 60]
Physician Assistant	Physician Assistant Practice Act of 1987 [225 ILCS 95]
Podiatrist	Podiatric Medical Practice Act of 1987 [225 ILCS 100]
Professional Counselor	Professional Counselor and Clinical Professional Counselor Act [225 ILCS 107]
Psychologist	Clinical Psychologist Licensing Act [225 ILCS 15]
Social Worker	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
Speech-Language Pathologist	Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
Teacher	School Code [105 ILCS 5]

(Source: Emergency added at 21 Ill. Reg. 0154E, effective _____, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Emergency Action:
1400.75 New Section
- 4) Statutory Authority: Clinical Psychologist Licensing Act [225 ILCS 15]
- 5) Effective Date of Rules: July 1, 1997
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed in Agency's Principal Office: July 1, 1997.
- 8) Reason for Emergency: Public Act 89-702, effective July 1, 1997, includes the reauthorization of the Clinical Psychologist Licensing Act. Among its changes was elimination of the statutory fee section, replacing it with fees set by administrative rule. This emergency rule is identical to the previous statutory section. Permanent rules are pending, but will not take effect prior to the statutory elimination of fees.
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes fees for licensure under the Clinical Psychologist Licensing Act; the statutory fees were removed during reauthorization of the Act.
- 10) Are there any proposed Rules to this Part pending: Yes
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation
Attn: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax #: 217/782-7645
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Emergency Amendments begins on the next page.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400
 CLINICAL PSYCHOLOGIST LICENSING ACT

Section	
1400.10	Statutory Authority (Repealed)
1400.20	Licensure Qualifications
1400.30	Experience Defined
1400.40	Application for Examination
1400.50	Examination
1400.60	Endorsement
1400.65	Renewals
1400.70	Restoration
1400.75	Fees
1400.80	Unethical, Unauthorized, or Unprofessional Conduct
1400.90	Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1981; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Section 1400.20(b)(10) and (c)(2)(H) and Section 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. 11191, effective June 30, 1994; expedited correction at 19 Ill. Reg. 989, effective June 30, 1994; amended at 20 Ill. Reg. 7868, effective May 30, 1996; emergency amendment at 21 Ill. Reg. 7221, July 1, 1997, for a maximum of 150 days.

Section 1400.75 Fees
EMERGENCY

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 1) The fee for application for a license by examination or acceptance of examination as a clinical psychologist is \$50. In addition, applicants for an examination shall be required to pay.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The application fee for a license as a clinical psychologist certified or licensed under the laws of another state, or territory of the United States or of a foreign country or province is \$100.
 3) The application fee for a license as an association or Partnership to practice clinical psychology is \$50.
 b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$80 per year.
 c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 3) The fee for a certification of a licensee's record for any purpose is \$20.
 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20.
 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
 6) The fee for a roster of persons licensed as clinical psychologists in this State shall be the actual cost of producing such a roster.

(Source: Emergency amendment at 21 Ill. Reg. 9217, effective June 1, 1997, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Numbers: Proposed Action:

160.5, 160.10, 160.15, 160.25
Amendment
160.35, 160.45, 160.60, 160.61
Amendment
160.65, 160.70, 160.75, 160.77
Amendment
160.90, 160.100, 160.110
Amendment
160.120, 160.130, 160.132
Amendment
160.136, 160.138, 160.140
Amendment
160.150, 160.160

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 90-18 and Public Law 104-193.

5) Effective Date: July 1, 1997

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: These emergency amendments are being filed to comply with requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18, which must be effective on July 1, 1997. Emergency rulemaking for such purpose is specifically authorized by Public Act 90-18.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments implement changes required to the Department's Title IV-D Child Support Enforcement Program under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18. These amendments:

- require provision for the child's health care coverage in all administrative support orders entered by the Department, and that the Department seek provision for such coverage in all judicial support orders;
- require in Temporary Assistance for Needy Families (TANF) cases that the Department enter administrative orders, or request the court to order in judicial cases, that the responsible relative pay past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code;
- provide that the Department will enter administrative support orders in situations in which the paternity of the child was established

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- under the laws of another state; provide that the Department will provide copies of administrative support orders to the responsible relative and the IV-D client no later than 14 days after entry of the order;
- amend the administrative process for voluntarily acknowledging paternity to allow the child's mother or the alleged father to rescind the voluntary acknowledgment within the earlier of 60 days after the acknowledgment was signed, or the date of an administrative or judicial proceeding involving the child in which the mother or the alleged father is a party;
- change references to the ability of an alleged father in a contested administrative paternity case to demand a judicial trial by jury to delete mention of trial by jury but retain the option for the alleged father to demand a judicial determination;
- provide for entry of temporary orders for support in contested administrative paternity cases, upon request of a party where there is clear and convincing evidence of paternity;
- require the Department to provide notice to the parties to a IV-D child support order of the right to request review of the order not less than once every three years;
- provide for imposition of administrative liens by the Department against responsible relative real and personal property, notice to the responsible relative and an opportunity to be heard, and levy on such property for payment of past-due child support;
- provide for Department certification of past-due support to another state's IV-D agency where the responsible relative has property in the other state;
- provide for Department certification of past-due support to the Secretary of Health and Human Services for denial of passports to delinquent responsible relatives;
- provide that, unless income withholding is ordered to take effect immediately, it will commence as soon as a delinquency accrues and without prior notice to the obligor (notice is to be given to the obligor at the time the income withholding notice is served on the payor of income; the obligor can petition to contest withholding due to a dispute over the existence or amount of delinquency or the identity of the obligor);
- provide that payors of income served with income withholding notices must forward withheld amounts within seven business days after the pay date;
- provide that income withholding notices may be served on payors of income electronically;
- provide that interstate income withholding is to be engaged pursuant to the provisions of the Uniform Interstate Family Support Act in cases in which the obligor is receiving income from a payor located in another state;
- provide that in addition to certifying past-due support to state licensing agencies for suspension or revocation of licenses, the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Department will certify failure to comply with a subpoena or warrant in a child support proceeding as a reason for suspension or revocation; and

- change references to Aid to Families with Dependent Children (AFDC) to Temporary Assistance for Needy Families (TANF).

10) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
160.10	Amendment	September 9, 1996 (20 Ill. Reg. 12567)
160.30	Amendment	July 7, 1997, (21 Ill. Reg. 8912)
160.62	Amendment	July 7, 1997, (21 Ill. Reg. 8192)
160.71	Amendment	September 9, 1996 (20 Ill. Reg. 12567)

11) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, IL 62763
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
160.1	Definitions
160.5	Definitions
EMERGENCY	
160.10	Child Support Enforcement Program
EMERGENCY	
160.12	Administrative Accountability Process
160.15	Application Processing Fee for IV-D Non-TANF Non-APBE Cases
EMERGENCY	
160.20	Assignment of Rights to Support
160.25	Recoupment
EMERGENCY	

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	Cooperation With Support Enforcement Program
160.30	Good Cause for Failure to Cooperate with Support Enforcement
160.35	Good Cause for Failure to Cooperate with Support Enforcement
EMERGENCY	
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon Finding of Good Cause
EMERGENCY	

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section	Establishment of Support Obligations
160.60	Uncontested and Contested Administrative Paternity and Support Establishment
EMERGENCY	
160.61	Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program
EMERGENCY	
160.62	Modification of Support Obligations
160.65	Modification of Support Obligations
EMERGENCY	

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

DEPARTMENT OF PUBLIC AID

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160.70 Enforcement of Support Orders
EMERGENCY
 160.75 Withholding of Income to Secure Payment of Support
EMERGENCY
 160.77 Certifying Past Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
EMERGENCY

160.80 Amnesty - 20% Charge
 160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
 160.90 Earmarking Child Support Payments
EMERGENCY

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
 160.100 Distribution of Child Support for TANF Per-APBE Recipients
EMERGENCY
 160.110 Distribution of Child Support for Former AFDC or TAND Recipients Who Continue to Receive Child Support Enforcement Services

EMERGENCY
 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled

EMERGENCY
 160.130 Distribution of Intercepted Income Tax Refunds and Other State Payments

EMERGENCY
 160.132 Distribution of Child Support for Non-TANF Non-APBE Clients
EMERGENCY
 160.134 Distribution of Child Support for Interstate Cases
 160.136 Distribution of Child Support Collected in IV-E Foster Care Maintenance Cases

EMERGENCY
 160.138 Distribution of Child Support for Medical Assistance No Grant Cases
EMERGENCY

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
 160.140 Statement of Child Support Account Activity
EMERGENCY

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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Section
 160.150 Department Review of Distribution of Child Support for TANF Per-APBE Recipients
EMERGENCY

160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients
EMERGENCY

AUTHORITY: Implementing and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS Art. X, 5/4-1.7, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

EMERGENCY

DEPARTMENT OF PUBLIC AID

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"AFDC" refers to the Aid to Families with Dependent Children Program, Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) that is financial and medical assistance available to families with one or more dependent children.

"AFDC MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more dependent children.

"AFDC MANG recipient" refers to a member of a family with one or more dependent children receiving medical assistance only in the current month.

"AFDC recipient" refers to a person who is receiving financial and medical assistance under the AFDC program in the current month.

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 U.S.C. 1396k and Section 10-1 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 10-1) [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of AFDC benefits, pursuant to 42 U.S.C. 602(a)(26)(A) and Section 10-1 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 10-1) [305 ILCS 5/10-1].

"Cancellation" refers to the discontinuance of AFDC financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 U.S.C. 654).

"Date of Collection" for distribution purposes in all cases refers to the date on which (a) a portion of income withholds an amount from a responsible relative's wages or other income to meet a support obligation when there is a served order of income withholding notice, (b) the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits ("UIB") to meet a support obligation when there is withholding of UIB, or (c) in all other instances, a support payment is received by the Clerk of the Court or the Department, whichever date is earlier.

"Family Support Information System" or "FSIS" refers to the data processing system used to process all IV-D cases in Illinois.

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"IV-D account receivable" or "support account" refers to a part of the accounting system in FSIS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 U.S.C. 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 U.S.C. 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which (a) the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits ("UIB") to meet a support obligation, when there is a withholding of UIB, or (b) in all other instances, a support payment is received by the Clerk of the Court or the Department, whichever date is earlier.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 U.S.C. 139k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the FSIS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 U.S.C. 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"Unreimbursed AFDC" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed AFDC", in accordance with the provisions set

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forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the AFDC cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

Section 160.10 Child Support Enforcement Program

EMERGENCY

a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

- 1) children receiving Temporary Assistance for Needy Families (TANF) APBE;
 - 2) children receiving TANF APBE MANG;
 - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);
 - 4) children of applicants for TANF APBE, or its successor, where the caretaker or specified relative is the putative father or relative of the putative father;
 - 5) children of applicants for TANF APBE, or its successor, where the mother and putative father of the children born out of wedlock are living together;
 - 6) children of applicants for TANF APBE, or its successor, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously cancelled;
 - 7) a spouse or former spouse when the former spouse/spouse lives with the child;
 - 8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
 - 9) persons not receiving TANF APBE, TANF APBE MANG, or Foster Care Services under Title IV-E upon application to the Department for such services;
 - 10) persons receiving TANF MANG APBE/MANG that previously received AFDC or TANF cash assistance; and
 - 11) persons similarly situated to subsections (1) through (10) above and receiving Title IV-D support services in other states.
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
- c) The Division of Child Support Enforcement has sole responsibility for:
- 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;

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- 3) establishing support obligations;
- 4) enforcing and collecting support;
- 5) receiving and distributing support payments;
- 6) maintaining accurate records of location and support activities; and

7) advising the local office of circumstances which may affect the family's eligibility for TANF APBE or TANF APBE MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).

d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

e) The Department shall explain to each TANF APBE applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

f) Whenever a family ceases to receive TANF APBE cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies. (45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (1989))

g) Whenever a family ceases to receive TANF APBE MANG assistance:

- 1) if the family previously received TANF APBE cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section; or
- 2) if the family did not previously receive TANF APBE cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

Section 160.15 Application Processing Fee for IV-D Non-TANF Non-AFDC Cases
EMERGENCY

- a) For the purposes of this Section, the following definitions apply:
- 1) "Family unit" means all persons living in a household who are related by blood or marriage.
 - 2) "Poverty line" means the non-farm income official poverty line applicable to Illinois, as determined by the Federal Office of Management and Budget and revised annually in accordance with 42 U.S.C. 9902.

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- 3) "Gross monthly income" means the total of all monthly income from all sources, excluding child support and maintenance.
- b) Commencing with the effective date of this Section, in IV-D non-TANF non-APPE cases where an application for child support services is required, the Department shall charge the applicant an application processing fee as follows:
- 1) \$25 where the gross monthly income of the applicant's family unit is at least 133 percent of the poverty line applicable to families of the same size; or
 - 2) \$15 where the gross monthly income of the applicant's family unit is at least equal to the assistance standard but less than 133 percent of the poverty line applicable to families of the same size; or
 - 3) One cent where the gross monthly income of the applicant's family unit is less than the assistance standard applicable to families of the same size, except that the one cent fee shall be paid by the Department out of State funds.
- c) The application processing fee shall be non-refundable and shall be paid prior to the commencement of child support enforcement services.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

Section 160.25 Recoupment

EMERGENCY

- a) The Department shall seek written agreements from individuals applying for or receiving IV-D non-TANF non-APPE support enforcement services authorizing recoupment, through retention of up to ten percent of future child support collections, in the event the individual receives funds through the Department's child support enforcement program to which he or she was not entitled. Recoupment shall apply only to such funds received by the individual after the date of the agreement.
- b) In those cases in which the client has signed an agreement authorizing recoupment from child support collections, the Department shall provide the client with a notice at least 45 days prior to commencing recoupment which shall inform the client of the following:
- 1) the IV-D non-TANF non-APPE identification number of the case in which the client received funds to which the client was not entitled;
 - 2) the responsible relative's name;
 - 3) the amount to be recouped;
 - 4) the reason the client was not entitled to the funds;
 - 5) that up to ten percent of each child support payment collected in the IV-D non-TANF non-APPE case will be retained by the Department until the full amount stated in the notice is recouped, commencing with the next payment of child support received from the responsible relative 45 days after the date of

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- mailing of the notice;
- 6) the opportunity, within 30 days after the date of mailing of the notice, to prevent recoupment by payment of the full amount stated in the advance notice; and
 - 7) the opportunity to contest the determination that the client received funds to which the client was not entitled or the amount of such funds by requesting a redetermination by the Department.
- c) The Department shall be stayed from commencing recoupment when a request for redetermination is received within 30 days after the date of mailing of the advance notice. For purposes of computing whether a request for redetermination was made within the 30 day period, the day immediately after the mailing of the advance notice shall be considered as the first day and the day the request for redetermination was received by the Department shall be considered as the last day.
- d) The Department shall provide the client with notice of the results of the redetermination.
- e) The Department shall reimburse the client for any amount due that was previously recouped, based on the results of the redetermination.
- f) The Department shall inform individuals applying for or receiving IV-D non-TANF non-APPE support enforcement services that they will be liable for repayment of any amount received if the Department determines they were not entitled to that amount.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.35 Good Cause for Per Failure to Cooperate with With Support Enforcement

- a) The Department shall inform the caretaker relative of the right to claim good cause for failing to cooperate.
- b) In order to be exempted from the cooperation requirement as to a particular child, the caretaker relative who claims good cause must either:
 - 1) provide the Department with evidence on which it may base a determination of good cause; or
 - 2) furnish information sufficient to permit the Department to investigate to determine that cooperation is against the best interests of the child (see Section 160.40).
- c) Upon request, the Department shall assist the caretaker relative in obtaining acceptable evidence and shall not deny, delay or discontinue assistance, pending a determination of good cause, if the caretaker relative has complied with the requirement to furnish evidence or information.
- d) A caretaker relative has good cause and is exempt from the requirement

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of cooperation if:

- 1) The Department determines that cooperation reasonably may be expected to result in physical or emotional harm to the caretaker relative or the child for whom support is being sought; or
- 2) The Department determines that because of the existence of one of the following circumstances proceedings to establish paternity or to obtain support would be detrimental to the child:

- A) The child was conceived as a result of incest or forcible rape;
- B) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
- C) The caretaker relative or parent in the home is currently being counseled by a public or licensed private social agency in order to decide whether to keep the child or to relinquish the child for adoption and the counseling has not lasted more than three months.

- e) An applicant for, or recipient of, TANF AFBE who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of good cause circumstance. Such applicant or recipient will be required to:

- 1) Specify the circumstances, as described in subsection (d) of this Section, that the applicant or recipient believes provide sufficient good cause for not cooperating.
- 2) Corroborate the good cause circumstances in accordance with Section 160.40.
- 3) If requested, provide sufficient information (such as the information listed in Section 160.40(b)(1) through (b)(6)). See Section 160.40(f) for when the Department will conduct an investigation.

- f) If the requirements of subsection (e) of this Section are not met, the Department shall determine that good cause does not exist. If the Department determines that good cause does not exist:

- 1) the applicant or recipient will be so notified and afforded an opportunity to cooperate, withdraw the application, or have the case closed; and
- 2) continued refusal to cooperate will result in imposition of the sanction provided by Section 160.30(b), or in a case assigned to the experimental treatment group or the non-experimental treatment group in the paternity establishment and continued eligibility program under subsection (c) of Section 160.61, the sanctions provided by Section 160.62.

- g) The Department's final determination that good cause does or does not exist shall be made within 45 days after the date the exemption was claimed, shall be in writing, shall contain its findings and basis for the determination, and shall be filed in the TANF AFBE case record. The Department will exceed this time standard only where the case record documents that the Department needs additional time because the information required to verify the claim cannot be obtained within the

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time standard or that the claimant did not provide corroborative evidence within the period required by Section 160.40. Such extension shall not exceed 45 days and shall be granted only under the conditions described in subsection(f) of this Section.

- h) The administrative unit responsible for the Department's support enforcement activities shall have an opportunity to review and comment on proposed determinations of good cause for refusing to cooperate and may participate in any administrative hearing proceeding resulting from actions taken pursuant to a final determination. In accordance with established procedures, the caretaker relative has the right to appeal any action taken by the Department as a result of its final determination.

- i) The Department shall review, during each redetermination of eligibility, all cases in which there has been a determination of good cause based on circumstances subject to change.

(Source: Emergency amendment at 21 Ill. Reg. 0227, effective July 1, 1997, for a maximum of 150 days)

Section 160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

EMERGENCY

- a) Upon receiving notice from the local office that an applicant or recipient has claimed good cause, the Division Bureau of Child Support Enforcement will suspend all activities to establish paternity or secure child support until notified of a final determination by the local office.

- b) The Division Bureau of Child Support Enforcement shall not undertake to establish paternity or secure child support in any case for which it has received notice that there has been a finding of good cause pursuant to Section 160.35(c).

(Source: Emergency amendment at 21 Ill. Reg. 0227, effective July 1, 1997, for a maximum of 150 days)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations

EMERGENCY

- a) Definitions

- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
- 2) "Service" or "Served" means notice given by certified mail, return receipt requested, or by any method provided by law for

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service of summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)

3) "Support Statutes" means the following:

- A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. XI];
- B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
- C) The Non-Support of Spouse and Children Act [750 ILCS 15];
- B) ~~The Revised-Uniform-Reciprocal-Enforcement--of--Support--Act~~ [750-ILCS-20];
- D) ~~The Uniform Interstate Family Support Act~~ [750 ILCS 22];
- E) ~~The Illinois Parentage Act of 1984~~ [750 ILCS 45]; and
- F) ~~Any other statute in another state which provides for child support.~~

4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered, including for reimbursement of cash assistance furnished by the Department to the custodial parent and/or children prior to the determination of support.

b) Responsible Relative Contact

1) Timing and Purpose of Contact

- A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.

B) The purpose of contact and interview shall be to obtain relevant facts including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the

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c) client may attend if he or she chooses.

Determination of Financial Ability

1) The Department shall use the guidelines set forth below to determine the financial ability of responsible relatives to provide support in Title IV-D cases.

2) The minimum amount of child support to be established shall be determined as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

3) "Net Income" is the total of all income from all sources, minus the following deductions:

- A) Federal income tax (properly calculated withholding or estimated payments);
 - B) State income tax (properly calculated withholding or estimated payments);
 - C) Social Security (FICA payments);
 - D) Mandatory retirement contributions required by law or as a condition of employment;
 - E) Union dues;
 - F) Dependent and individual health/hospitalization insurance premiums;
 - G) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - H) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - I) Medical expenditures necessary to preserve life or health; and
 - J) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- 4) The deductions in subsections (C)(3)(H), (I) and (J) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative, or request the court to enter, support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 5) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- A) the financial resources and needs of the child;

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- B) the financial resources and needs of the custodial parent;
- C) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
- D) the physical and emotional condition of the child, and his educational needs; and
- E) the financial resources and needs of the non-custodial parent.
- 6) Each order requiring support which deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 7) All orders for support shall include a provision for the health care coverage of the child. In all cases where health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health/hospitalization insurance coverage is being provided. However, in Title IV-D non-TANF non-APBE cases where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 8) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.
- 9) In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of a court or administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's portion of the cash assistance grant provided, or the amount of the child's needs, whichever is greater.
- 10) The final order in all cases shall state the support level in dollar amounts.
- 11) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or,

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- when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 12) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
- A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 13) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- d) Administrative Process
- 1) Use of Administrative Process
 - A) Department FSS's shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under

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Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both; and

- iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and

- v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

- B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:

- i) that the responsible relative may be required to pay retroactive support as well as current support, and that he may be liable for reimbursement of public assistance furnished the named persons prior to determination of the ability to support; and
- ii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.

- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of the administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the FSS shall order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided, as specified in subsection (c)(9) of this Section. In administrative process cases, the period prior to the entry of the administrative support order shall commence with the parties' separation, unless the child was born out of wedlock and paternity was determined under Section 160.61 or under Section 12 of the Vital Records Act [410 ILCS 535/12], in which case such period shall commence with

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the child's birth.

- 3) Failure to Appear

- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as furnished by affidavit of the IV-D client, or the child's portion of the cash assistance grant, whichever is greater. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.

- B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or

- ii) income exceeds that reported by the relative.

- C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then seek establishment of support obligations through the judicial process pursuant to subsection (e) of this Section.

- 4) Registration of Order of Another State

- A) The FSS shall register a support order entered by a court or administrative body of any other state referred for establishment and enforcement of an Illinois support obligation, on behalf of persons receiving Title IV-D services from such state, upon receipt of the following:

- i) a request that another state's support order be administratively registered to effect interstate income withholding;

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- ii) the referring state's IV-D case name and identification number;
 - iii) the names and birthdates of the persons for whom support is ordered;
 - iv) a certified copy of the support order with all modifications;
 - v) a certified copy of an order for withholding, if any, still in effect;
 - vi) a certified copy of the payment record or, if there is no payment record, an affidavit attesting to the amount of arrearage which has accrued under the support order;
 - vii) the name, address, and social security number of the responsible relative; and
 - viii) the name and address of the responsible relative's employer or any other source of income of the relative from which withholding may be effected, if known.
- B) When registered such order shall become an administrative support order of the Department. The FSS shall enter a separate administrative support order of the Department which shall contain the terms of the registered order.
- 5) An administrative support order shall include the following:
- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20% of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
 - E) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20% of the support order) and frequency of payments to be made until the arrearage is paid in full;
 - F) the manner in which support payments are to be made; and
 - G) a statement informing the responsible relative that he has 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.
- 6) Every administrative support order entered on or after July 1, 1997 shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The FSS shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75. Upon entry of any administrative support order, the FSS shall enter a separate administrative order for withholding based upon

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- and in the same manner as prescribed in Section 160.75. The order shall inform the responsible relative of the grounds for a petition and the time within which to petition the Department to stay service or to modify, suspend or terminate the order for withholding or to stay service of the notice of delinquency and receive a hearing in accordance with 89 Ill. Adm. Code 104.104.
- 7) The FSS shall provide to each responsible relative a copy of each administrative support order for support and for withholding entered, no later than 14 days after entry of such order, by:
- A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgement of receipt signed by the relative or an affidavit of delivery signed by the FSS shall be sufficient for purposes of notice.
 - B) certified mail where the relative fails or refuses to accept delivery or the orders are entered by default.
 - C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.
- 8) The FSS shall provide to each Title IV-D client a copy of each administrative support order within 14 days after entry of such order for support and for withholding entered.
- e) Judicial Process
- 1) Department FSS's shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), in those wherein the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section.
 - 2) The FSS shall prepare the transmit pleadings and obtain or affix appropriate signature thereto which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support;
 - F) establish past-due support;
 - G) obtain an order for withholding;
 - G)H) establish parentage;
 - H) obtain a rule to show cause; and
 - I) combinations of the above.

(Source: Emergency amendment at 21 Ill. Reg. 1, 1997, for a maximum of 150 days)

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Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

EMERGENCY

a) Definitions

- 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another man from the same racial background.
 - 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
 - 3) "Service" or "Served" means notice given by personal service, certified mail, return receipt requested, or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)
 - 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
 - 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.
 - 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].
- b) Uncontested Administrative Paternity Process
- 1) Department FSS's shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - A) a non-marital child and support is sought from the alleged father;
 - B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
 - C) presumed paternity as set forth in Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.
 - 2) Contact with Responsible Relatives
 - A) Following the IV-D client interview, the Department shall contact and interview:
 - i) alleged fathers to establish paternity and support obligations; and
 - ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of

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the child) and to establish the support obligation of the alleged father, the mother, or both.

- B) The purpose of contact and interview shall be to obtain relevant facts including information concerning the child's paternity and responsible income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.
- 3) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation by ordinary mail, to the alleged father from whom child support is sought, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
 - E) that the alleged father should bring specified information regarding his income and resources to the interview;
 - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
 - G) that the alleged father may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that

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if determined to be the child's father he will have a legal obligation to support the child; and

- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
- i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child.

5) At least ten working days in advance of the interview, the Department shall provide a notice of alleged paternity and support obligation to the child's mother by ordinary mail, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:

- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the mother may be represented by counsel;
 - E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.
- 6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)], the FSS shall send a notice to the presumed father which shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;

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- D) that the man to whom the notice is directed has been identified as the child's presumed father;
- E) that another man has been alleged to be the child's father, and the name of that alleged father;
- F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
- G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
- H) that counsel may accompany the presumed father to the interview.

7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.

8) In cases involving a non-marital child:

- A) The FSS shall provide the alleged father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed father, an opportunity for the mother and the presumed father to sign a denial of paternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody and visitation.
- B) The FSS shall enter and serve an administrative paternity order finding the alleged father to be the father of the child where:
 - i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
 - ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the

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- results of genetic testing;
- iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
- iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
- v) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
- vi) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, and the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment;
- vii) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1; or
- viii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.
- C) The FSS shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) of this Section shall not be valid where the

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- mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
- 10) A man against whom a default administrative paternity order has been entered, pursuant to subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, may have the order vacated if, within 30 days after being served with the order, he appears in person at the office to which he was given notice to appear for an interview pursuant to subsection (b)(3) of this Section and files a written request for relief from the order. The FSS shall then proceed with the establishment of paternity under this Section. A man may obtain relief under this subsection only once in any proceeding to establish paternity.
- 11) The child's mother or the alleged father may void the presumption of paternity created by voluntarily signing an acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12], by signing a rescission of paternity by the earlier of:
- A) 60 days after the date the acknowledgment of paternity was signed; or
 - B) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party. If the mother or alleged father signs a rescission of paternity, the FSS shall process the case under this subsection (b).
- c) Contested Paternity and Support Establishment and Continued Eligibility Demonstration Program
- 1) The Department shall conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child who are applicants for or recipients of cash assistance under Articles IV, V, and VI of the Illinois Public Aid Code.
 - 2) The demonstration program shall be implemented Statewide with applicants and recipients in McLean County randomly assigned to one of the three following groups:
 - A) an experimental treatment group, which will be subject to the provisions of Section 160.62;
 - B) a non-experimental treatment group, which will also be subject to the provisions of Section 160.62; and
 - C) a control group, which will be subject to the provisions of Section 160.30.
 - 3) Applicants and recipients in all counties, other than McLean County, shall be assigned to the non-experimental treatment group and subject to the provisions of Section 160.62.
 - 4) In demonstration program cases in which paternity is uncontested,

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the Department shall establish paternity in accordance with subsection (b) of this Section.

- 5) Demonstration program cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at an administrative hearing, as well as inform the alleged father (and any presumed father) of his right to demand a judicial determination of the existence of the father and child relationship ~~trial-by-jury~~. The notice and any hearing shall be governed by Sections 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.

- 6) Notice shall be served on all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.

- 7) The Department shall enter default paternity determinations in demonstration program cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a party by publication under subsection (c)(6) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsection (d) of this Section, except that where notice was served by publication the notice of default paternity determination shall not include the mother's and father's Social Security numbers, and shall include a statement of the following in lieu of a statement that the order is a final and binding administrative decision:
 - A) that the man determined to be the child's father may bring a petition in the circuit court for relief from the administrative paternity determination on the same grounds provided for relief from judicial judgments under Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401];
 - B) that such a petition must be filed no later than two years

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after the notice of default paternity determination was published; and

- C) that allegations made in such a petition without reasonable cause that are found to be untrue by the circuit court may subject the petitioner or his attorney, or both, to the payment of reasonable costs and attorney's fees incurred by the Department in defending against the petition.

- 8) In those cases in which the alleged father or presumed father has requested that the court determine the existence of a father and child relationship ~~a--trial-by-jury~~, the Department shall refer the case for judicial action to establish paternity and support in accordance with subsection (1) of this Section.

- 9) The Department shall not proceed to establish paternity administratively under the demonstration program in those cases wherein the court has acquired jurisdiction previously, the alleged or presumed father has requested that the court determine the existence of a father and child relationship ~~a-trial-by-jury~~, or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.

- 10) In any case where the administrative paternity process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original demonstration program county, the paternity determination case shall remain in the original demonstration county unless a transfer to the county in which the non-custodial parent and the non-marital child reside is requested by the custodial parent, in writing, within ten days after the move outside the original demonstration county.

- d) An administrative paternity order, whether entered under subsection (b) or subsection (c) of this Section, shall include the following:

- 1) the Title IV-D case name and identification number;
- 2) the name and birthdate of the child for whom paternity is determined;
- 3) the alleged father's name and his Social Security number, if known;
- 4) the mother's name and her Social Security number, if known;
- 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);
- 6) except in cases in which paternity is administratively determined under subsection (b)(8)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, or in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that he has 30 days from the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in

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- accordance with 89 Ill. Adm. Code 104.105;
- 7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, a statement informing the responsible relative of the relief available pursuant to subsection (b)(10) of this Section; and
 - 8) in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

e) When the paternity of a child has been administratively established under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60.

f) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.

g) The Department shall notify the Department of Public Health of final administrative paternity determinations, and voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.

h) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated below occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:

- 1) the Department enters a final administrative determination of paternity; or
- 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act [410 ILCS 535/12]; or
- 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12].

i) The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:

- 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section;
- 2) where the non-marital child was not conceived in Illinois and the

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alleged father resides in a state other than Illinois; where the court has acquired jurisdiction previously;

4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section; or

5) where the alleged or presumed father has requested that the court determine the existence of a father and child relationship ~~a trial-by-jury~~ in a contested case under subsection (c) of this Section, but only after genetic tests have been ordered and the results have been received in accordance with Section 104.213.

(Source: Emergency amendment at 21 Ill. Reg. 028, effective July 1, 1997, for a maximum of 150 days)

Section 160.65 Modification of Support Obligations

EMERGENCY

a) Definitions

1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.

2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support. ~~"Order--for withholding"--means-any-court-or-administrative-order-for-a-payor-to-withhold-a-part-of-a-responsible-relative's-income-for-payment-of-child-support--~~

3) "Assignment of support" has the meaning set forth in Section 160.5.

4) "Assignment of medical support" has the meaning set forth in Section 160.5.

5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.

6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) below.

7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20% above or below the existing order for support and the change is an amount equal to at least \$10.00 a month.

b) Review and Modification of Support Orders

1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the

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last to occur, unless:

- A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) below, that a review would not be in the best interests of the child and neither parent has requested a review; or
 - B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or
 - C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review; or
 - D) The order is an administrative order for support entered by the Department pursuant to registration of another State's order under Section 160.60(d)(4).
- 2) Prior to the expiration of the 36 month period:
- A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:
 - i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
 - ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
 - iii) the Department has not determined that a review would not be in the best interests of the child.
 - B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as set forth in subsection (b)(2)(A), but only with the consent of the client.
 - C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.
 - 3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.
- c) Notice of the Right to Request a Review
- 1) In each Title IV-D case, the Department shall provide a one-time notice not less than once every three years to each parent

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subject to an order for support in the case. The notice may be included in the order and shall inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request.

- 2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.

d) Notice of Review

- 1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.
- 2) The notice of review shall:
 - A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and
 - B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).
- e) Information Gathering and Employer Contact
 - 1) The Department shall capture all available responsible relative financial information from existing federal and State sources (e.g. Illinois Department of Employment Security) through electronic data searches on all IV-D cases.
 - 2) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after the relative receives the notice of review, the Department shall send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1]. The notice shall:
 - A) require the disclosure of responsible relative employment information, including but not limited to:
 - i) the period of employment;
 - ii) the frequency of wage payments;
 - iii) gross wages, net pay and all deductions taken in reaching net pay;
 - iv) the number of dependent exemptions claimed by the responsible relative; and
 - v) health insurance coverage available to the responsible relative through the employer.

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- B) require employer compliance within 15 calendar days after the employer's receipt of the notice.
- 3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department shall use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.

f) Review of the Order for Support

- 1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.
- 2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).
- 3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.
- 4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.

g) Notice of Review Results

The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

- 1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:

- A) The Department will not take action to modify the order for support; or
- B) The Department will only take action to modify the order to require health insurance for the child covered by the order.
- C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:
- signing and returning the request for a redetermination to the Department; and
 - providing financial documentation or information concerning the child's health care needs not furnished

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- previously, which will substantiate the request.
- 2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:

- The Department will take action to modify the existing order for support in accordance with the review results.
- In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.

- C) In cases where an administrative order for support is entered in accordance with subsection (h) below:

- The client will be advised of the right to request a redetermination within 30 calendar days after the date of mailing of the notice and administrative order for support by signing and returning the request for redetermination to the Department and providing financial documentation or information concerning the child's health care needs not furnished previously which will substantiate the request.
- The responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102.

- iii) Where the client requests a redetermination and the responsible relative requests a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The client shall be advised further of the right to present evidence at the hearing.

- iv) Where the responsible relative requests a hearing and the client does not request a redetermination, the client shall be advised further of the right to present evidence at the hearing.

- v) Where the client requests a redetermination and the responsible relative does not request a hearing, any change shall result in, or have the effect of, the issuance of a new administrative order for support. The responsible relative shall be advised further of the right to request a hearing and the client of the right to present evidence at the hearing.

- 3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be

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considered the first day and the day such request is received by the Department shall be considered as the last day.

h) Further Actions Taken by the Department

1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) above that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:

A) In a case involving an order for support entered by the court, the FSS shall:

- i) prepare a petition to modify, and obtain or affix appropriate signature thereto;
- ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/510); and
- iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) above.

B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this rule, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).

- (i) The FSS shall effect income ~~also---enter--an administrative order--for~~ withholding in accordance with Section 160.60(d)(6).
- (ii) The FSS shall provide to the client and responsible relative copies of the administrative order orders for support ~~and-for-withholding~~ together with the notice described in subsection (g)(2)(C) above.

2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the client's consent, shall enter or request the court to enter an order for support requiring the responsible relative to provide health insurance.

3) Upon receipt of a petition for a release from, or modification of, an administrative order for support as described in subsection (g)(2)(C)(ii) within 30 calendar days after the date of mailing of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

4) Upon receipt of a request for a redetermination as set forth in subsections (g)(1)(C) and (g)(2)(C)(i) within 30 calendar days after the date of mailing of the notice, the Department shall

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conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

i) Timeframes for Review and Modification

1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days of October 13, 1993 or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) above.

2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) above, at 36 month intervals based upon:

- A) the date the order for support was modified; or
- B) the date an order was entered determining that the order for support would not be modified; or
- C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.

3) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) above.

4) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:

- A) send the notice of review in accordance with subsection (d) above;
- B) conduct a review of the order in accordance with subsection (f) above;
- C) send the notice of review results in accordance with subsection (g) above; and
- D) conclude any action to modify the order for support.

j) Interstate Review and Modification

1) Initiating Cases

A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine, within 15 calendar days of October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another State.

B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) above, at 36 month intervals based upon:

- i) the date the order for support was modified; or
- ii) the date an order was entered determining that the order for support would not be modified; or

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iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.

C) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another State.

D) Prior to the expiration of the 36 month period, the Department:

i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) above; and

ii) may review or request another State to review an order for support as provided in subsection (b)(2)(C).

E) The Department shall determine in which State a review should be conducted after considering all relevant factors, including but not limited to:

i) the location of existing order(s);

ii) the present residence of each party; and

iii) whether a particular State has jurisdiction over the parties.

F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) above, in which the Department has determined to request a review of an order for support in another State, the Department shall:

i) send a request for review to that State within 20 calendar days of receipt of sufficient information to conduct the review and provide that State with sufficient information on the requestor of review to act on the request; and

ii) send to the parent in Illinois, a copy of any notice issued by the responding State in connection with the review and modification of the order, within 5 working days of receipt of such notice by the Department.

2) Responding Cases

A) Within 15 calendar days of receipt of a request for a review of an order for support in Illinois as the responding State, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1).

B) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) above.

(Source: Emergency amendment at 21 Ill. Reg. 0220, effective July 1, 1997, for a maximum of 150 days)

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SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

EMERGENCY

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a]) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:

- i) in IV-D TANF AFBE and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
- ii) in IV-D non-TANF Non-AFBE cases, past-due support owed to or for a minor child in an amount not less than \$500.

B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
- ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
- iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund

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any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for intercept;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:

- i) a redetermination by the Department or, after such redetermination,
- ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and
- D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.

- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

- 8) The Department shall notify:

- A) any other state enforcing the support order when the request

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for intercept is submitted and when the intercept amount is received;

- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

- 9) The Department shall:

- A) as promptly as possible refund to the responsible relative of any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:

- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF Non-APBE past-due support; and any active IV-D TANF APBE and IV-D foster care assigned past-due support, or first to satisfy active IV-D non-TANF Non-APBE past-due support and then to satisfy any IV-D TANF Non-APBE past-due support and then to satisfy any IV-D TANF or AFDC and IV-D foster care assigned past-due support.

- 11) The Department shall inform individuals who receive IV-D non-TANF Non-APBE support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection will be applied in accordance with Section 160.130;
- B) any payment received by the IV-D non-TANF Non-APBE individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse

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filing an amended tax return in order to receive his share of a joint tax refund.

d) Unemployment Insurance Benefits

1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.

2) The Department shall take the following action:

A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.

B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.

C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:

- i) the amount of the income withholding order; or
- ii) fifty percent (50%) of the Unemployment Insurance Benefit.

D) receive amounts deducted direct from DES.

E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.

F) post each collection to the Department's payment record.

G) apply each collection to the current support obligation, then to past-due obligations.

H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

3) The Department of Employment Security shall take the following action:

A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.

B) pay all amounts deducted direct to the Department.

e) Contempt of Court and Other Legal Proceedings

1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.

2) Contempt proceedings shall not be used in the following instances:

A) the responsible relative has no known available income or

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assets from which to satisfy the support obligation and is:

- i) receiving public assistance;
- ii) mentally or physically disabled;
- iii) incarcerated;
- iv) out-of-the-country;
- v) deceased; or
- vi) otherwise situated making such action unproductive.

B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

A) establish the amount of past-due support;

B) obtain a judgment for purposes of:

- i) imposition of a lien against real estate,
- ii) levy upon real estate and personal property, or
- iii) registration in another state;

C) secure an order for lump sum or periodic payment of the past-due support or judgment;

D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;

E) obtain full or partial payment of past due support through incarceration;

F) ascertain the responsible relative's source and amount of income or location and value of assets;

G) void a transfer of property fraudulently made to avoid payment of child support;

H) secure other enforcement relief; and

I) obtain any combination of the above.

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].

5) In TANF cases, the Department shall request the right to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

f) Liens Against Real Estate and Personal Property - Judicial Enforcement of Order for Support

1) The Department shall seek judgment liens against real estate and

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enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].

- 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

- A) the past-due amount is at least \$10,000; and
B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).

- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.

- g) Liens Against Real Estate and Personal Property - Administrative Enforcement of Order for Support

1) Liens against real estate

- A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:

- i) the amount of past-due support is at least \$10,000; and
ii) the responsible relative has an interest in real estate against which a lien may be claimed.

- B) The Department shall prepare a Notice of Lien or Levy that shall be served upon the responsible relative and filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:

- i) the name and address of the responsible relative;
ii) a legal description of the real estate to be levied;
iii) the amount of past-due support to be satisfied by the levy;
iv) the fact that a lien is being claimed for past-due

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- v) child support owned by the responsible relative; and the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

- C) A written request for redetermination made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

- D) The Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

- E) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from taking action against the real property, if action against the real property had been stayed pursuant to subsection (g)(1)(C) of this Section. The lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that Section 104.103(b) and (c) shall not apply.

- G) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

- H) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$10,000 in excess of any statutory exemption.

- 2) Liens against personal property

- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

- i) the amount of past-due support is at least \$1,000;
ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the

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amount of at least \$300.

- B) The Department shall prepare a Notice of Lien or Levy that shall be served upon the responsible relative and either the financial institution in which the account of the responsible relative is located or the sheriff of the county in which the personal property of the responsible relative is located. The notice shall inform the responsible relative and the financial institution or the sheriff of the following:
- i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;
 - iii) the amount of past-due support to be satisfied by the level;
 - iv) the fact that lien is being claimed for past-due child support owed by the responsible relative; and
 - v) the right to prevent action against the personal property, including accounts, by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- C) A written request for redetermination made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the personal property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (q).
- D) The Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- E) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from taking action against the personal property, if action against the personal property had been stayed pursuant to subsection (q)(2)(C) of this Section. The lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (q).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- G) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

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- H) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and Federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (q).
- h)g) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (h)(2) (g)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- i)h) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be reported;

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- C) the date past-due support will be reported; and
- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

- A) a request for
- i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the
- i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

11)†† Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of another state for administrative enforcement in the other state

- 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
- 2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
- A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (i)(3) of this Section;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

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- D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

- A) name;
 - B) social security number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (i)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code

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104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

11) The Department shall:

- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports

1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$5,000:

- A) the name, last known address and Social Security Number of the responsible relative; and
- B) the terms and amount of past-due support which has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be certified; and
- C) the date past-due support will be certified; and
- D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:

- A) a request for
- i) a redetermination, or

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ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the

- i) advance notice, or

ii) notice of redetermination or hearing results.

6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

1) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 160.75 Withholding of Income to Secure Payment of Support EMERGENCY

a) Definitions

The definitions contained in Section 10-16.2(A) of the Illinois Public Aid Code [305 ILCS 5/10-16.2(A)] are incorporated herein by reference.

b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice

1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:

A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and

B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and

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- C) the obligor's Social Security Number disclosed to the court as required by law; and
- D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
- B) direct any payor to withhold the dollar amount required for current support under the order for support; and
- C) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
- D) direct any payor or labor union or trade union to enroll a child as a beneficiary of a health insurance plan and withhold or cause to be withheld, if applicable, any required premium; and
- E) state the amount of the payor income withholding fee as provided by law; and
- F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
- G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and
- H) state the rights, remedies, and duties of the obligor, as provided by law; and
- I) include the obligor's Social Security Number; and
- J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) above, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- b) Entry-of-an-Order-for-Withholding
- 1) Upon entry of any order for support the Department, through its legal representative, shall request that the court, as required by law, enter a separate order for withholding to take effect immediately, unless a written agreement is reached between and

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- signed by both parties, providing for an alternative arrangement approved and entered into the record by the court which insures payment of support.
- 2) In a case where an agreement has been approved under subsection (b)(1) above the Department, through its legal representative, shall request that the court, as required by law, enter an order for withholding which will not take effect unless the obligor becomes delinquent in paying the order for support.
- 3) Upon entry of any order for support if the obligor is not a United States citizen, the Department, through its legal representative, shall request that the court, as required by law, make part of the record in the case the obligor's alien registration number, passport number, and home country's social security or national health number, if applicable.
- 4) The Department shall serve an immediate service order for withholding upon the payor of the obligor within 15 days after the date the order is entered if the payor's address is known on that date or, if the address is unknown on that date, within 15 days after locating the payor's address.
- 5) Unless the order for withholding provides for immediate service the following conditions must be met before the Department can serve the order for withholding upon the obligor's payor for the first time:
- A) the obligor becomes delinquent in paying the order for support; and
- B) the Department prepares and serves upon the obligor a notice of delinquency pursuant to subsection (d) or
- C) the obligor requests immediate service; or
- B) the provisions of subsection (c) apply.
- 6) The Department, through its legal representative, shall request that the order for withholding:
- A) direct any payor to withhold a dollar amount equal to the order for support; and
- B) direct any payor to withhold an additional dollar amount not less than 20% of the order for support until payment in full of any delinquency stated in a notice of delinquency; and
- C) state the rights, remedies, and duties of the obligor; and
- B) include the obligor's Social Security Number, which the obligor shall disclose; and
- B) include the date that withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
- F) be entered, where an order for withholding has not previously been entered, and
- G) remain in effect for as long as the order for support on which it is based.

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7) Notwithstanding the provisions of this subsection, at the time of any hearing the Department, through its legal representative, shall request that the court, as required by law, order immediate service of the order for withholding upon the obligor's payor when:

- A) an arrearage has accrued in an amount equal to at least one month's support obligation; or
- B) the obligor is 30 days late in paying all or part of the order for support.

c) Service of Income Withholding Notice

1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within 15 days after the date the order is entered if the payor's address is known on that date, or, if the address is unknown on that date, within 15 days after locating the payor's address. However, notwithstanding the foregoing, if the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [920 ILCS 405/1801.1], the Department shall serve an income withholding notice on the payor within 2 business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

2) The Department may serve the income withholding notice on the payor, its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. Proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.

3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.

4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor.

c) Notice for Immediate Withholding

1) Where the court has not required that the order for withholding

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take effect immediately, the Department, pursuant to this subsection, may prepare and serve a notice for immediate withholding upon the obligor by ordinary mail addressed to the obligor at his or her last known address.

2) Where a request for an earlier effective date for withholding that meets the criteria of this subsection has been made by the obligor, the Department shall send the notice for immediate withholding to the obligor within 15 days after the date of the request, or, if the obligor's address is not known on that date, within 15 days after locating the obligor.

3) The notice for immediate withholding shall state:

- A) that the following circumstances have occurred:
 - i) the written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1) above no longer provides for timely payment of all support due; or
 - ii) the obligor has not made timely payments in that the obligor has been at least seven days late in paying all or part of the order for support any of the last six consecutive dates payment were due prior to the date of the notice for immediate withholding;
- B) that a specially certified copy of the order for withholding will be sent to the payor, unless the obligor files a petition contesting immediate withholding within 20 days after service of the notice;
- C) that the grounds for the petition are limited by law to a dispute concerning:
 - i) whether the circumstances stated in the notice have occurred; or
 - ii) the identity of the obligor; and
- D) that by law it is not grounds for a petition contesting immediate withholding that the obligor has made all payments due by the date of the petition.

4) If the court denies the obligor's petition contesting immediate withholding, the Department shall request that the Clerk of the Circuit Court, as required by law, provide the Department with a specially certified copy of the order for withholding indicating that the requirements for immediate withholding have been met; the Department shall:

- A) serve the specially certified copy of the order for withholding on the payor, its superintendent, manager or other agent, by certified mail or personal delivery within 45 days after sending the notice for immediate withholding to the obligor; and

B) file a proof of service with the Clerk of the Circuit Court. After the court hears the obligor's petition contesting immediate service, the Department shall notify the obligor whether or not the withholding is to occur and, if it is to occur, include in

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the notice the time frames within which the withholding will begin and the information served on the payor with the order for withholding pursuant to subsection (1) below.

6) If the obligor does not file a petition contesting immediate withholding within the 20-day period, the Department shall:

A) file with the Clerk of the Circuit Court an affidavit with a copy of the notice for immediate withholding attached thereto stating:

- i) that the notice was duly served upon the obligor;
 - ii) the date on which service was effected;
 - iii) that the obligor has not filed a petition contesting immediate withholding;
- B) request that the Clerk of the Circuit Court, as required by law, provide to the Department a certified copy of the order for withholding indicating that the requirements for immediate withholding have been met;
- C) serve the order for withholding on the payor, its superintendent, manager or other agent, by certified mail or personal delivery, within 15 days after the end of the 20-day period if the payor's address is known on that date, or if the address is unknown on that date, within 15 days after locating the payor's address; and
- B) file a proof of service with the Clerk of the Circuit Court.

d) Income Withholding After Accrual of Delinquency

- 1) The Department shall prepare and serve an income withholding notice within 15 days after the date the obligor accrues a delinquency if the payor's address is known on that date or, if the address is unknown on that date, within 15 days after locating the payor's address. However, notwithstanding the foregoing, if the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within 2 business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

2) An income withholding notice prepared by the Department under subsection (d)(1) above shall:

- A) contain the information required under subsection (b)(2) above; and
 - B) contain a computation of the period and total amount of delinquency as of the date of the notice; and
- C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
- D) be served on the payor and the obligor in the manner provided in subsection (c)(2) above.
- 3) The obligor may contest withholding commenced under this

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subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:

- A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
- 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, shall apply only to the initial service of an income withholding notice on a payor of the obligor.

d) Notice of Delinquency

- i) The Department shall serve a verified notice of delinquency upon the obligor when either of the following occurs:
 - A) the obligor becomes delinquent in payment of an amount equal to at least one month's support obligation pursuant to the order for support; or
 - B) the obligor is at least 30 days late in complying with all or part of the order for support;
- 2) The notice of delinquency shall be served on the obligor within 15 days after the appropriate date under subsection (d)(1) or if the obligor's address is not known on that date, within 15 days after locating the obligor.
- 3) The notice of delinquency shall contain the following:
- A) the terms of the order for support;
 - B) a computation of the period and total amount of the delinquency as of the date of the notice; and
 - C) a statement clearly informing the obligor that the notice of delinquency will be sent to the payor together with a specially certified copy of the order for withholding unless the obligor takes action as provided for under subsection (e) below.
- 4) The Department shall prepare and serve the notice of delinquency together with a form petition to stay service.
- 5) The Department shall serve the notice of delinquency by ordinary mail addressed to the obligor at his or her last known address.
- 6) The obligor may execute a written waiver of the provisions of subsection (4) through (5) above and request immediate service upon the payor.

e) Initiated Withholding

- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2)

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above and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above no longer ensures payment of support, and the reason or reasons why it does not.

2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (C)(2) above.

3) The obligor may contest withholding commenced under the subsection by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) below (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):

A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above continues to ensure payment of support; or

B) the identity of the obligor.

e) Procedures to Avoid Inmate Withholding Petitions to Stay Service

1) Except as provided in subsection (g) below, the obligor may prevent an order for withholding from being served by the Department by filing a petition to stay service with the Clerk of the Circuit Court within 20 days after service of the notice of delinquency.

2) As required by law, the petition to stay service may only dispute:

A) the amount of current support or the existence or amount of delinquency stated in the notice of delinquency; or

B) the identity of the obligor.

f) Initial Service of Order for Withholding

1) Where the order for withholding does not provide for immediate service and the provisions of subsections (e) or (g) do not apply, the Department shall follow the provisions of this subsection (f) to serve the order for withholding on the payor. The Department, 20 days following service of the notice of delinquency, shall file with the Clerk of the Circuit Court an affidavit with a copy of the notice of delinquency attached thereto stating:

A) that the notice of delinquency has been duly served and the date service was effected;

B) that the obligor has not filed a petition to stay service under subsection (e) above; or in the alternative

C) that the obligor has waived the provisions of subsections (f)(2)(A) and (B) above in accordance with subsection (d)(6) above.

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3) The Department may request that the Clerk of the Circuit Court, as required by law:

A) make available any record of payment;

B) determine that the court file contains a copy of the affidavit described in subsection (f)(2); and

C) provide a specially certified copy of the order for withholding and notice of delinquency indicating that the preconditions for service have been satisfied.

4) The Department shall serve the notice of delinquency and order for withholding on the payor, its superintendent, manager, or other agent by certified mail or personal delivery. A proof of service shall be filed with the Clerk of the Circuit Court.

5) Where the obligor has not filed a petition to stay service within 20 days after service of the notice of delinquency, the Department shall serve the order for withholding and notice of delinquency on the payor within 15 days after the end of the 20 day period, or if the payor's address is unknown on that date, within 15 days after locating the payor's address.

g) Subsequent Service of an Order for Withholding

1) The Department shall serve an order for withholding upon any payor of the obligor without further notice to the obligor when either of the following occur:

A) at any time after the court has ordered immediate service of an order for withholding; or

B) when an order for withholding, which does not provide for immediate service, has previously been served upon a payor of the obligor pursuant to subsection (f) above.

2) The Department shall request that the Clerk of the Circuit Court, as required by law, provide specially certified copies of the order for withholding or the notice of delinquency or both whenever:

A) the court ordered immediate service of an order for withholding; or

B) an affidavit has been placed in the court file indicating that the preconditions for service have previously been met or that the requirements for immediate withholding under subsection (e) above have been previously met.

3) The Department shall serve the order for withholding on the payor, its superintendent, manager or other agent by certified mail or personal delivery.

4) The Department shall file a proof of service with the Clerk of the Court.

5) The Department shall provide notice to the payor of any payments that have been made through:

A) previous withholding; or

B) any other method.

6) If a delinquency has accrued for any reason, the Department may serve the notice of delinquency separately from the order for

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- withholding:
- A) upon the obligor by utilizing the procedures set forth in subsection (d) above; and
- B) upon the payor by utilizing the procedures set forth in subsection (f) above.
- 3) The obligor may petition the court to stay service of a separate notice of delinquency by utilizing the procedures set forth in subsection (e) above.
- h) Petition to Stay Service of Order for Withholding
- i) Except as provided in subsection (g) above, when an obligor files a petition to stay service within the 20-day period specified in subsection (e) above, the Department shall not serve the order for withholding upon the obligor's payor until such time as the court:
- A) enters an order:
- i) granting or denying relief;
- ii) amending the notice of delinquency; or
- iii) otherwise resolving the matter.
- B) orders immediate service of the order for withholding after a finding that at the time the notice of delinquency was served upon the obligor:
- i) a delinquency existed in an amount of at least one month's support obligation; or
- ii) that the obligor was at least 30 days late in paying all or part of the order for support.
- 2) Where a dispute over the amount of delinquency cannot be promptly resolved, the Department, through its legal representative, may request that the court order immediate service of the order for withholding as to any undisputed amounts specified in an amended notice of delinquency and continue the hearing on the disputed amounts.
- 3) If the court denies the obligor's petition to stay service, the Department shall request that the Clerk of the Circuit Court provide the Department with specially certified copies of the order for withholding and notice of delinquency. The Department shall:
- A) serve the specially certified copies of the order and notice on the payor, its superintendent, manager or other agent by certified mail or personal delivery, within 45 days after serving the notice of delinquency on the obligor; and
- B) file a proof of service with the Clerk of the Circuit Court.
- 4) After the court hears the obligor's petition to stay service, the Department shall notify the obligor whether the withholding is to occur and, if it is to occur, include in the notice the time frames within which the withholding will begin and the information served on the payor with the order for withholding pursuant to subsection (i) below.
- f) Petition to Modify, Suspend or Terminate an Order for Withholding

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- 1) At any time the Department, through its legal representative, may petition the court to:
- A) modify, suspend or terminate the income order for withholding notice because of a modification, suspension, or termination of the underlying order for support;
- B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
- C) suspend the income order for withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
- 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) above, by certified mail or personal delivery, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
- 3) The Department may serve a notice on the payor to:
- A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
- B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
- 4) The notice provided for under subsection (f)(3) above shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) above by ordinary mail, and a copy shall be provided to the obligor and the obligee. A copy of the notice shall be filed with the Clerk of the Circuit Court.
- g) Additional Duties
- 1) When the Department is no longer authorized to receive payments for the obligee, it shall, within seven days, notify the payor or, where appropriate, the Clerk of the Circuit Court, to redirect income withholding payments to the obligee.
- 2) The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
- A) an offset under federal or State law; or
- B) partial payment of the delinquency or arrearage or both, or
- C) both subsections (j)(2)-(A) and (B) above.
- h) Alternative Procedures for Service of an Income Withholding Notice
- i) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
- A) For any reason the most recent order for support entered

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does not contain the income withholding provisions stated in subsection (b) above, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and

B) The obligor has accrued a delinquency after entry of the most recent order for support.

2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) above, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.

3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) above. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.

k) Alternative--Procedures--for--Entry--and--Service--of--an--Order--for--Withholding

1) Where an order for withholding has not previously been entered in a case for any reason, the Department shall prepare and serve an order for withholding based upon the last order for support entered, when:

A) the obligor has become delinquent in payment of an amount equal to at least one month's support obligation pursuant to the last order for support; or

B) the obligor is at least 90 days late in complying with all or part of the order for support;

2) Before the order for withholding can be served upon the obligor's payor under this subsection, the Department must:

A) prepare a proposed order for withholding for immediate service, except that the payment of any delinquency shall be limited to 30% of the amount under the order for support;

B) prepare a notice of delinquency as provided by subsections (d)(1) and (2) above, except the notice shall state further that the order for withholding has not been entered by the court and the conditions under which the order will be entered; and

C) serve the notice of delinquency and form petition to stay service as provided by subsection (d)(3) above together with the proposed order for withholding marked "Copy Only".

3) After 20 days following service of the notice of delinquency and proposed order for withholding in lieu of the provisions of subsection (e) above, the Department shall file with the Clerk of

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the Circuit Court an affidavit with a copy of the notice of delinquency and proposed order for withholding attached thereto stating that:

A) the notice of delinquency and proposed order for withholding have been served upon the obligor and the date service was effected;

B) the obligor has not filed a petition to stay service within 20 days after service of such notice and order; and

C) the proposed order for withholding accurately states the terms and amounts contained in the last order for support.

4) Upon the court entering an order for withholding under this subsection and upon receipt from the Clerk of the Circuit Court of a specially certified copy of the order for withholding and the notice of delinquency indicating that the preconditions for service have been met, the Department shall:

A) serve the specially certified copies of the order for withholding and the notice of delinquency on the payor, its superintendent, manager or other agent by certified mail or personal delivery; and

B) file a proof of service with the Clerk of the Circuit Court. The Department shall serve the order for withholding and notice of delinquency on the payor.

A) within the time period specified in subsection (f)(5) above where the obligor has not filed a petition to stay service; or

B) within the time period specified in subsection (h)(3) above where the court denies the obligor's petition to stay service.

6) If the obligor requests in writing that income withholding become effective immediately under this subsection, the Department shall:

A) file an affidavit with the Clerk of the Circuit Court with the proposed order for withholding attached stating that:

i) the proposed order for withholding accurately states the terms and amounts contained in the last order for support; and

ii) the obligor's request for immediate service.

B) serve the order for withholding pursuant to subsection (k)(4), except that a notice of delinquency shall not be required.

i) Notice to Payor

Whenever the Department serves an income order for withholding notice on a payor, notice of the following shall be included in or with the income withholding notice order:

1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding order and any notice was mailed, sent by facsimile or other

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- electronic means, ~~to the payor by certified mail or~~ placed for personal delivery to or service on the payor;
- 2) that the payor must pay the amount withheld to the obligee or public office, as the case may be, within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor ten days after the date income is paid to the obligor in accordance with the order for withholding and any subsequent notification received from the Department redirecting payments;
 - 3) that if the payor knowingly fails to pay any amounts withheld within seven business days after the date the amount would have been ten days after the date income is paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the withheld amount is not paid to the obligee or public office after the period of seven business ten days has expired;
 - 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
 - 5) that for each deduction the payor must provide the obligee or public office, at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor income was paid from which support was withheld;
 - 6) that upon receipt of an income order for withholding notice requiring that a minor child be named as a beneficiary of a health insurance plan available through an employer, labor union or trade union, that the employer or labor union or trade union must:
 - A) immediately enroll the minor child as a beneficiary in the health insurance plan designated by the income withholding notice order;
 - B) withhold or cause to be withheld, if applicable, any required premium and pay over any amounts so withheld to the insurance carrier in a timely manner;
 - C) mail to the obligee, within 15 days after enrollment or upon request, notice of the date of coverage, information on the dependent coverage plan, and all forms necessary to obtain reimbursement for covered health expenses, such as would be made available to a new employee;
 - D) when an order for dependent coverage is in effect and the insurance coverage is terminated or changed for any reason, notify the obligee within ten days after the termination or change date along with notice of conversion privileges;
 - 7) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
 - 8) that the amount actually withheld for support, the child's health

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- insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act;
- 9) that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income order for withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
 - 10) that withholding of income under the income order for withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
 - 11) that the income order for withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
 - 12) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income; and
 - 13) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income order for withholding notice and any notice of delinquency that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 14) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments, and that if there is any income available for withholding after withholding for all current support obligations, the payor shall allocate the income to past due support payments ordered in non-TANF matters and then to past due support payments ordered in TANF matters, both on a proportionate share basis; and
 - 15) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- 1) Notice to Obligor
- When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i) above;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsections (d), (e) or (h) above, as applicable;
 - 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice

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because of a modification, suspension or termination of the underlying order for support; or

B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or

C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or

D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:

- i) the amount of current support;
- ii) the amount of the arrearage;
- iii) the periodic amount for payment of the delinquency; or
- iv) the periodic amount for payment of the delinquency.

5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days of the change; and

6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.

k) Penalties

In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income, specially-certified order for withholding and any notice of delinquency, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:

- 1) enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
- 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

l) Interstate Income Withholding

Within the timeframes specified in subsection (c)(1) above, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.

n) Obligor-Employed-in-Another-State

1) Within 20 days after determining that income withholding is required in a case in which the obligor is employed in another state, and if appropriate, receipt of any information necessary to carry out withholding, the Department shall notify the obligor of the state in which the obligor is employed to implement

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interstate withholding-

2) the notice to the other state's IV-D agency shall include:

A) the IV-D case name and identification number;

B) the names and birthdates of the persons for whom support is ordered;

C) a certified copy of the order for support with all modifications;

D) a certified copy of an order for withholding, if any, still in effect;

E) a certified copy of the payment record, if there is no payment record, an affidavit attesting to the amount of arrearage, if any, which has accrued under the order for support;

F) the name and address of the obligor and his or her social security number, if known;

G) the name and address of the obligor's payor; and

H) the amount requested to be withheld from the obligor's income.

m) Refund of Improperly Withheld Amounts

The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Emergency amendment at 21 Ill. Reg. 9280, effective July 1, 1997, for a maximum of 150 days)

Section 160.77 Certifying Past Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies

a) Pursuant to routine data sharing agreements, the Department may receive from State licensing agencies information relating to license applications and renewals for purposes of identifying responsible relatives who are delinquent in complying with a support order or who have failed to comply with a subpoena or warrant in a paternity or child support hearing and have or are applying for a license or renewal of a license.

b) The Department shall certify to State licensing agencies past due support owed by a responsible relative under a support order entered by a court or administrative body of this or any other state or failure to comply with a subpoena or warrant when the responsible relative has or is applying for a license.

c) The Department and the State licensing agency shall provide the responsible relative with a joint notice of intended action prior to the Department certifying the past due support information or failure to comply with a subpoena or warrant to the agency. The notice and any hearing shall be governed by 89 Ill. Adm. Code Section 104.200 et seq.

d) The Department shall be stayed from certifying information to a State

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licensing agency until a final administrative decision has been made by the Department.

e) The responsible relative can prevent certification and disciplinary action by payment in full of the past-due support amount or by entering into a payment plan acceptable to the Department. Factors for an acceptable payment plan will include but are not limited to:

- 1) the amount of past-due child support owed;
- 2) the amount of current child support obligations being paid; and
- 3) the individual's ability to pay.

f) The responsible relative can prevent certification and disciplinary action by complying with the subpoena or warrant in the paternity or child support proceeding.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section 160.90 Earmarking Child Support Payments

EMERGENCY

a) Child support payments may be earmarked for the needs of a specific child or set of children. "Earmarking" refers to:

- 1) the restriction of the use of all or a portion of the child support payments for:
 - A) children receiving Supplemental Security Income (SSI); and
 - B) children not eligible to receive TANF APBE for reasons other than sanctions.

2) the caretaker relative's (see 89 Ill. Adm. Code 101.20) election to exclude children who are not siblings of other children receiving TANF APBE from the TANF APBE assistance unit and restrict the use of a portion of the child support payments for the use of those children. "Siblings" means children born to or adopted by the same parents or having one parent in common (i.e., brother/sister, half-brother/half-sister, but not including step-brothers or step-sisters).

b) Optional Earmarking Assistance Units

In an optional earmarking assistance unit, a caretaker relative may request that child support payments be earmarked for the needs of a specific child or set of children not required to be included in the standard filing unit (see 89 Ill. Adm. Code 112.300 (b)).

1) An optional earmarking assistance unit consists of an TANF APBE assistance unit:

- A) in which a child support order has been entered for one or more children in the assistance unit;
- B) the children included in the child support order are not blood-related siblings to the other children receiving TANF APBE; and

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C) the caretaker relative elects to earmark support for the children.

2)

A) Department staff must advise TANF APBE caretaker relatives of the Department's optional earmarking policy:

- i) during the TANF APBE application process;
- ii) when redetermining eligibility for the TANF APBE assistance unit; or

iii) when the caretaker relative contacts the caseworker to discuss earmarking child support payments.

B) Whenever a caretaker relative contacts a caseworker about optional earmarking, the caseworker will schedule an appointment for the caretaker relative within seven (7) business days of the contact. At the appointment, the caseworker will:

- i) explain the advantages and disadvantages of earmarking child support payments;
- ii) inform the caretaker relative of the time standards for effecting redirection of the child support payments as well as the time lags involved in reapplication for TANF APBE;

iii) provide the caretaker relative with a handout containing information on earmarking child support payments; and

iv) give the caretaker relative the form that he/she must use to request earmarking, if the caseworker determines that the caretaker relative is eligible for optional earmarking. Additionally, the caseworker will inform the caretaker relative that she may sign and submit the form immediately or at any time.

3) If a caretaker relative elects to earmark child support for one or more children in the household, the earmarked child(ren) will be deleted from the grant in the second fiscal month after the date the caretaker relative submits the written request. (Note: "Fiscal month" refers to a month that starts with a given day in one calendar month and ends the day before the same given day in the next calendar month, e.g., July 8 through August 7. In this case, the "given day" is the day the caretaker relative submits the written request to the Department). The caretaker relative is entitled to the earmarked support received by the Department beginning the first day of the calendar month the deletion is effective. The earmarked child support will be forwarded to the caretaker relative within twenty-one (21) days of the Department's receipt of the earmarked support. The excluded child's share of the support payment will not be considered available to the remaining assistance unit members when determining initial or continued eligibility for TANF APBE or benefit level.

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- 4) If the caretaker relative requests to add an earmarked child back to the TANF APBE grant, the Department shall render a decision on the eligibility of the child being added within forty-five (45) days of the date of the written request. However, if the child is determined eligible for TANF APBE, benefits will be authorized from the date the written request was received by the Department or the date of initial eligibility after the date of the written request.
- 5) A caretaker relative shall not exercise an earmarking option more than once in a twelve (12) month period for any child or set of children (i.e., until twelve months have passed from the effective month of deletion).
- c) Allocation Assistance Unit
In an allocation assistance unit, a caretaker relative may request that child support payments be earmarked for the needs of a specific child or set of children who are 18 years of age or older or otherwise ineligible for TANF APBE cash assistance for reasons other than receipt of SSI or sanctions.
- 1) An allocation assistance unit consists of an TANF APBE assistance unit:
 - A) where the child support order applies only to an ineligible child; or
 - B) in which a child support order has been entered for two or more children; and
 - C) at least one of the children included in the child support order is receiving AFDC; and
 - D) at least one of the children included in the child support order is ineligible for AFDC for reasons other than sanctions or receipt of SSI (e.g., children in the child support order who are not living with the AFDC unit, or children 18 or older in the home who are not eligible for AFDC cash assistance).
- 2) Where the child support order also applies to other children in the household who are receiving AFDC benefits, and the order explicitly allocates the child support payment between or among the children, the Department will forward to the ineligible child's current adult caretaker, or to the child if emancipated, that portion of the child support payment allocated to the child who is not in the grant, and will not consider the support paid to the ineligible child available to the remaining assistance unit members when determining initial or continued eligibility for AFDC or benefit level.
- 3) Where the child support order applies to other children in the household who are receiving AFDC benefits, and the order does not allocate the amounts to be paid to each child, the Department will allocate the child support order between or among the children on a pro-rata basis (if the case is being referred for judicial action, will instruct IV-D attorneys to seek such

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- pro-rata allocation from the court) and forward the ineligible child's support payment to the child's current adult caretaker, or to the child if emancipated.
- 4)
 - A) Department staff must advise AFDC caretaker relatives of the Department's policy for allocation assistance units and that the caretaker relative may earmark support for the ineligible children:
 - i) during the AFDC application process;
 - ii) when redetermining eligibility for the AFDC assistance unit; or
 - iii) when the caretaker relative contacts the caseworker to discuss earmarking child support payments.
 - B) Department staff will advise the caretaker relative of the following:
 - i) of the pro-rata allocation policy;
 - ii) of how the caretaker relative may request such allocation; and
 - iii) that the caretaker relative may obtain his/her own counsel and seek a different allocation of the child support order.
 - C) Additionally, Department staff will:
 - i) provide the caretaker relative with a handout containing information on earmarking child support payments; and
 - ii) give the caretaker relative the form that he/she must use to request earmarking. Additionally, the caseworker will inform the caretaker relative that she may sign and submit the form immediately or at anytime.
 - 5) The Department will pro-rate the child support order unless or until an allocated order is entered. The caretaker relative is entitled to the earmarked support beginning the calendar month the child is removed from the grant, if currently receiving TANF APBE, or, if the child is not currently receiving TANF APBE, for the calendar month following the month the request for earmarking is made. The earmarked child support will be forwarded to the caretaker relative within twenty-one (21) days of the Department's receipt of the earmarked support.
 - 6) When the ineligible child is not living with the TANF APBE assistance unit, the caretaker relative must provide the Department with the child's current address, and must authorize payment to the custodial adult with whom the child is living, or to the child if living independently.
 - d) SSI Children
 - 1) Earmarking child support payments for an SSI child is mandatory when there is an AFDC assistance unit:
 - A) in which a child support order has been entered for two or more children;

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- B) at least one of the children included in the child support order is receiving SSI; and
- C) at least one of the children included in the child support order is receiving AFDC.
- 2) If the child support order only applies to the SSI child, the Department will not consider the support paid for the SSI child available to the remaining assistance unit members when determining initial or continued eligibility for AFDC or benefit level.
- 3) Department staff will review AFDC cases at the following times to identify SSI children to determine if the case is eligible for earmarking:
- A) during the AFDC application process;
- B) when redetermining eligibility for the AFDC assistance unit;
- C) when deleting a child from the assistance unit because of receipt of SSI; or
- D) whenever the caseworker discovers there is a SSI child for whom earmarking is mandatory.

- 4) A) Whenever an SSI household contacts the Department or is identified by the Department (see Section 160.90(b)(2) above), the Department will immediately inform the caretaker relative of:

- i) the pro-rata allocation policy for SSI children; and
- ii) that the Department will pro-rata the terms of the support order unless the caretaker relative chooses to obtain his/her own counsel and seek an allocation providing a greater share of the child support order for the SSI child.

- B) Additionally, Department staff will provide the caretaker relative with a handout containing information on earmarking child support.

- 5) The caretaker relative is not required to make a request or submit any authorization to earmark support for an SSI child.
- e) Any TANF APBE household aggrieved by the Department's action or inaction with regard to the policy set forth in this rule can file a notice of appeal in accordance with 89 Ill. Adm. Code 102.70, 102.80, 102.82 and 104:Subpart A.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100 Distribution of 00 Child Support for TANF ~~For~~ APBE Recipients
EMERGENCY

- a) For the purposes of distribution under this Section, amounts collected

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shall be treated first as payment on the required support obligation for the month in which the child support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months. "Date of collection" shall be as defined in Section 160.5.

- b) Child support payments which are received by the Department for a month in which a client is a TANF APBE recipient shall be distributed as follows:

- 1) Pass Through: Of any amount that is collected in a month which represents payment on the required support obligation for that month, the first \$50.00 of such amount shall be paid to the family. One payment will be forwarded to the family within fifteen (15) calendar days of the date of initial receipt in the State (See Section 160.5) of the first \$50 of support collected in a month, or, if less than \$50 is collected in a month, within fifteen (15) calendar days of the end of the month in which the support is collected. This payment will be disregarded when determining eligibility for TANF APBE and the amount of the TANF APBE grant. However, when there is a served income order--for withholding notice and the payor of income transmits multiple months of support in a lump sum, the family shall receive the first \$50 of each month of support withheld. If the amount collected includes payment on the required support obligation for a previous month or months, the family shall only receive the first \$50.00 of the amount which represents the required support obligation for the month in which the support was collected. If amounts are collected for a single filing unit (see 89 Ill. Adm. Code 112.300(b)) which represent support payments from two or more responsible relatives, only the first \$50.00 of the amount collected which represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subsection. No payment shall be made to a family under this subsection for a month in which there is no child support collection.

- 2) Reimbursement of Current TANF APBE: If the amount of child support collected in a month on behalf of a TANF APBE recipient exceeds the amount to be paid to the family pursuant to subsection (b)(1), the excess shall be retained by the Department to reimburse the Department for the assistance payment for the month in which the support was collected or the next month.

- 3) Current Excess: If the amount of child support collected in a month on behalf of a TANF APBE recipient exceeds the amount to be distributed pursuant to subsections (b)(1) and (b)(2) above, the family shall be paid such excess up to the difference between the TANF APBE grant for the month in which the amount of the collection was used to redetermine eligibility for TANF APBE and the amount ordered for that month. If such court ordered amount

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is less than the TANF AFDC grant, no amount shall be paid to the family under this subsection. In those cases where there is no court order, the family shall not be paid any amount under this subsection.

- 4) Reimbursement of Past AFDC or TANF: If the amount of child support collected in a month on behalf of a TANF AFDC recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(3) above, any such excess shall be retained by the Department as reimbursement for past assistance payments made to the family for which the Department has not been reimbursed. The Department will apply the amount retained to any sequence of months for which the Department has not yet been reimbursed. If past assistance payments made to the family are greater than the unpaid support obligation, the maximum amount the Department can retain as reimbursement for such assistance payments is the amount of such obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance, in which case such amounts can be retained by the Department to reimburse the difference between such support obligation and such assistance payments.

- 5) Past Excess: If the amount of child support collected in a month on behalf of a TANF AFDC recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(4) above, such excess shall be paid to the family.

- c) If an amount collected as support represents payment on the required support obligation for future months, the amount collected shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current month and all past months.

- d) Identification of Child Support Payment: Any support payment issued to the family under subsections (b)(3) or (b)(5) above shall be identified on its face as being for child support.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 160.110 Distribution of ~~Of~~ Child Support for ~~For~~ Former AFDC or TANF Recipients Who Continue to ~~to~~ Receive Child Support Enforcement Services
EMERGENCY

Child support payments which are received by the Department on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services, shall be distributed in accordance with the provisions of subsections (a) through (e) below.

- a) Current Support: Upon cancellation of TANF or AFDC, a client's

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assignment of support ceases (see Section 160.20), except with respect to the amount of any unpaid support obligation that has accrued under such assignment. For any month in which a client is not a TANF or AFDC recipient, regardless of whether such client continues to receive child support enforcement services, the client is entitled to the amount of current support paid for that month, up to the amount of the monthly support obligation for that month. Current support payments to former AFDC or TANF recipients who do receive child support enforcement services from the Department shall be issued within ~~fifteen-~~ 15 calendar days of initial receipt in the State.

- b) Unpaid Current Support Accrued Following Cancellation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support enforcement services exceeds the amount of current support distributed pursuant to subsection (a) above, the client shall be paid any such amount, up to the unpaid current support obligation which has accrued for any month following cancellation of the client's AFDC or TANF case in which the client received child support enforcement services. Such payments to former AFDC or TANF recipients shall be issued within ~~fifteen-~~ 15 calendar days of initial receipt in the State.

- c) Unreimbursed AFDC or TANF: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a) and (b) above, the excess shall be retained by the Department to reimburse it for past unreimbursed AFDC or TANF. If the unpaid support obligation is greater than the past unreimbursed AFDC or TANF, then the maximum reimbursement amount is the amount of reimbursed AFDC or TANF the Department has provided. If the past unreimbursed AFDC or TANF is greater than the unpaid support obligation, then the maximum reimbursement amount is the amount of the unpaid support obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, in which case such amounts will be retained by the Department to reimburse the difference between such support obligation and such past unreimbursed AFDC or TANF.

- d) Past Excess: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a), (b) and (c) above, the excess, up to the amount of the unpaid support obligation, including the unpaid obligation for months prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, shall be paid to the client. Such payments to former AFDC or TANF recipients shall be issued within ~~fifteen-~~ 15 calendar days of initial receipt in the State.

- e) Amounts In Excess of the Child Support Obligation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services

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- exceeds the amount to be distributed pursuant to subsections (a), (b), (c) and (d) above, the excess shall be refunded to the responsible relative.
- f) Identification of Child Support Payment: Any support payment issued by the Department to a former AFDC or TANF recipient under this Section shall be identified on its face as being a child support payment.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

Section 160.120 Distribution of 0% Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
EMERGENCY

Child support payments which are received by the Department in a month in which a client is a current AFDC or TANF recipient, but which have not been distributed when the client's AFDC or TANF case is cancelled shall be distributed in accordance with Section 160.100. Any amounts owed to former AFDC or TANF recipients pursuant to such distribution shall be issued by the Department in accordance with the following timeframes:

- Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(1) ("Pass Through") shall be issued in accordance with that Section.
- Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(3) ("current excess") shall be issued within fifteen--{ 15} calendar days of the date of initial receipt in the State of a collection for the first month of ineligibility.
- Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(5) ("past excess") shall be issued within fifteen--{ 15} calendar days of the date of the initial receipt in the State of a collection for the first month of ineligibility.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

Section 160.130 Distribution of 0% Intercepted Income Tax Refunds and Other State Payments
EMERGENCY

The Department shall as promptly as possible apply collections it receives as a result of intercept of State and Federal income tax refunds and other State payments under Section 160.70 only against the past-due support amount specified in the advance notice provided the responsible relative (see Section 160.70(c)(3)).

- Federal income tax refunds shall be applied first to satisfy any IV-D AFDC, IV-D TANF or IV-E foster care assigned past-due support and then

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- to satisfy any IV-D non-TANF Non-AFBE past-due support.
- State income tax refunds and other State payments shall be applied to satisfy any active IV-D TANF AFBE and IV-E foster care assigned past-due support, or first to satisfy active IV-D non-TANF Non-AFBE past-due support and then to satisfy any IV-D AFDC, IV-D TANF and IV-E foster care assigned past-due support.
- The Department shall send payments made to a IV-D client or DCFS as a result of the intercept of Federal or State income tax refunds and other State payments within thirty (30) calendar days of initial receipt by the Department, except as described in subsection (d) below.
- When a responsible relative initiates the review process under Section 160.70(c)(3)(C) between (1) the date of the tax refund intercept and (2) the date the Department disburses the intercepted funds or the 30th calendar day after the Department's receipt of such funds, whichever first occurs, the Department shall send any funds determined to be due the IV-D client or DCFS within fifteen--{ 15} calendar days after the review process concludes.
- If the Department is notified by the federal Office of Child Support Enforcement that an intercept to satisfy IV-D non-TANF Non-AFBE past-due support is being made from a refund based on a joint return, the Department may delay distribution of the federal tax refund intercept (1) until it is notified that the unobligated spouse's proper share of the refund has been paid or (2) for a period not to exceed 6 months from notification of the intercept, whichever first occurs.

(Source: Emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days)

Section 160.132 Distribution of Child Support for Non-TANF Non-AFBE Clients
EMERGENCY

Child support payments which are received by the Department on behalf of a client who has never been an AFDC or TANF recipient shall be distributed in accordance with the timeframes and provisions of subsections (a) through (c) below.

- Current support: The Non-Assistance client is entitled to receive an amount of money equal to the monthly support obligation amount that is collected for current support. The entire amount of the current support collected shall be sent to the client within fifteen--{ 15} calendar days from the date of initial receipt in the State.
- Past support: Any amount in excess of the current support obligation is applied to past support owed the non-TANF Non-AFBE client and shall be sent to the client within fifteen--{ 15} calendar days from the date of initial receipt in the State.
- Future support: If an amount collected as support represents payment on the required support obligation for future months, the amount

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collected shall be applied to future months and shall be sent to the client within fifteen (15) calendar days from the date of the initial receipt in the State.

(Source: Emergency amendment at 21 Ill. Reg. 0220, effective July 1, 1997, for a maximum of 150 days)

Section 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
EMERGENCY

a) For purposes of distribution under this Section, amounts collected in IV-E foster care maintenance cases shall be treated in accordance with the provision of Section 160.100(a).

b) The amounts collected as support by the Department on behalf of children for whom the State is making IV-E foster care maintenance payments and for whom an assignment is effective shall be distributed as follows:

1) Reimbursement of current IV-E foster care maintenance: The amount of child support that is collected in a month which represents payment on the required support obligation for that month, shall be forwarded to DCFS and retained by DCFS to reimburse itself for IV-E foster care maintenance payments.

2) Current excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the monthly amount of the IV-E foster care maintenance payment but not more than the monthly support obligation, the Department shall pay within fifteen (15) calendar days of the date of initial receipt in the State the excess to DCFS which will use the money in the best interests of the child.

3) Reimbursement of past IV-E foster care maintenance: If the amount of child support collected in a month on behalf of a foster care dependent exceeds the amount required to be distributed under subsections (b)(1) and (2) above, but not the total unreimbursed IV-E foster care maintenance payments or unreimbursed AFDC or TANF provided, the Department and DCFS shall retain any such excess as reimbursement for these payments. If past assistance or IV-E foster care maintenance payments are greater than the total support obligation owed, the maximum amount the Department or DCFS may retain as reimbursement for such payments is the amount of such obligation. If amounts are collected which represent the required support obligation for periods prior to the first month in which the family received AFDC, TANF or IV-E foster care maintenance payments, such amounts may be retained by the Department and DCFS to reimburse the difference between such support obligation and such payments.

4) Past excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the amount

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required to be distributed pursuant to subsections b(1) through b(3), such excess shall be paid within fifteen (15) calendar days of the date of initial receipt in the State to DCFS and used in the best interests of the child.

5) Future support: If an amount collected as support represents payment on the required support obligation for future months, the amount shall be applied to those future months. However, no amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current and all past months.

c) When DCFS ceases making IV-E foster care maintenance payments, the assignment of support rights terminates except for the amount of any unpaid support that has accrued under the assignment. The Department shall attempt to collect such unpaid support. Any collection made by the Department under this subsection shall be distributed in accordance with subsection (b)(3) of this Section.

(Source: Emergency amendment at 21 Ill. Reg. 0220, effective July 1, 1997, for a maximum of 150 days)

Section 160.138 Distribution of Child Support for Medical Assistance No Grant Cases
EMERGENCY

For purposes of distribution under this Section, child support amounts collected in Medical Assistance No Grant Cases, in which the caretaker relative has never received AFDC or TANF payments benefits, shall be treated in accordance with the provisions of Section 160.132. For Medical Assistance No Grant Cases in which the caretaker relative received AFDC or TANF payments benefits, distribution shall be treated in accordance with the provisions of Section 160.110.

(Source: Emergency amendment at 21 Ill. Reg. 0220, effective July 1, 1997, for a maximum of 150 days)

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140 Statement of Child Support Account Activity
EMERGENCY

The Department will send to each TANF AFBE recipient and each former AFDC or TANF recipient a "Statement of Child Support Account Activity ("Notice")", in accordance with the provisions of subsections (a) thru (c) below.

a) Notice Sent Monthly to TANF No-AFBE Recipients
 1) The Department will send a notice monthly to each TANF AFBE recipient for whom a IV-D accounts receivable has been established. This notice will include the following information for the third previous month:

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- A) the terms of each support order, the support order number, and beginning date of each support order;
- B) the account balance of each support order for the reporting month;
- C) total amount paid in the reporting month under each support order;
- D) identification of the reporting month;
- E) total payments received for all support orders for the reporting month;
- F) the amount of unreimbursed assistance;
- G) the distribution of support payments for the eleven (11) month period for which distribution is complete, including:
- i) the amount of support received;
 - ii) TANF AFDC grant amount;
 - iii) amount of support paid to the client as current, Pass Through and excess;
 - iv) the amount of support retained to reimburse the Department;
 - v) the amount of support applied to future obligations; and
- H) the means by which a TANF or AFDC recipient can obtain additional information concerning her child support account and/or can appeal the Department's determination.
- 2) The notice will also contain an insert setting forth the Department's policy on earmarking income pursuant to Section 160.90.
- b) Notice Sent to Former AFDC or TANF Recipients in the ~~in~~ First and Second Month Following Case Cancellation
- For two (2) consecutive months following the month of AFDC or TANF cancellation, the Department will send to each former AFDC or TANF recipient for whom a IV-D accounts receivable has been established, a notice which includes the following information for her case:
- 1) the effective month and year of AFDC or TANF cancellation;
 - 2) the terms of each support order, the support order number, and beginning date of each support order;
 - 3) total amount paid in the reporting month under each support order;
 - 4) the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;
 - 5) the total amount of current support due after AFDC or TANF cancellation which remains unpaid under each support order;
 - 6) identification of the reported month;
 - 7) the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;
 - 8) the distribution of support payments for the five (5) month period for which distribution is complete, including:
 - A) the amount of support received;

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- A) AFDC or TANF grant amount;
 - C) amount of support paid to the client as current, Pass Through and excess;
 - D) the amount of support retained to reimburse the Department;
 - E) the amount of support applied to future obligations;
- 9) the total amount of child support collected in the prior month and the source of collection;
- 10) the total amount of support paid to the client (i.e., current, excess and past due) for the prior month;
- 11) the amount of support retained to reimburse the Department; and
- 12) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.
- c) Notice Sent to Former AFDC or TANF Recipients in the ~~in~~ Third Month Following Case Cancellation and for ~~And~~ Per Any Subsequent Month for Which the Department Receives a Child Support Payment
- The Department will send to each former AFDC or TANF recipient (for whom a IV-D accounts receivable has been established) beginning with the third month following the month of AFDC or TANF cancellation and for any subsequent month for which the Department receives a child support payment, a notice which includes the following information:
- 1) the effective month and year of AFDC or TANF cancellation;
 - 2) the terms of each support order, the support order number, and beginning dates of each support order;
 - 3) total amount paid in the prior month under each support order;
 - 4) the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;
 - 5) the total amount of current support due after AFDC or TANF cancellation which remains unpaid under each support order;
 - 6) identification of the prior month;
 - 7) the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;
 - 8) the total amount of support paid to the client (i.e., current and past due) for the prior month;
 - 9) the total amount of child support collected in the prior month and the source of collection;
 - 10) the amount of support retained to reimburse the Department; and
 - 11) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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Section 160.150 Department Review of 06 Distribution of 06 Child Support for TANF ~~For AFDC~~ Recipients
EMERGENCY

Any TANF ~~AFDC~~ recipient who disagrees with the Department's distribution of child support relating to her Title IV-D account (see Sections 160.100 and 160.130(b)) can appeal in accordance with 89 Ill. Adm. Code 102.80, 102.83 and 102.84 and 104:Subpart A.

(Source: Emergency amendment at 21 Ill. Reg. 0222, effective July 1, 1997, for a maximum of 150 days)

Section 160.160 Department Review of 06 Distribution of 06 Child Support for Former AFDC or TANF Recipients
EMERGENCY

a) A former AFDC or TANF recipient may request an account review at any time and a prior account review decision or reconsidered account review decision shall not act as a bar to review.

b) A written request for account review shall be filed with the Department. For mailed requests, the date of filing is the date the request is received by the Department, not the postmark date.

c) The Department shall require former AFDC or TANF recipients to provide the following information to request an account review:

- 1) the name and address of the former AFDC or TANF recipient,
- 2) the name(s) of her child(ren),
- 3) the name(s) of the responsible relative(s) obligated to pay support, and
- 4) the period for which review is sought.

d) Request for Additional Information

1) The Department may request former AFDC or TANF recipients to provide the following additional information to request an account review, but may not require such information:

- A) support order number,
- B) the responsible relative's social security number,
- C) the former recipient's social security number, and
- D) the AFDC or TANF case number.

2) If the Department is unable to identify the former AFDC or TANF recipient's IV-D account because the former AFDC or TANF recipient has not provided sufficient information, the Department shall be relieved of having to complete the account review within the timeframes specified in subsections (e) and (f) below.

e) In the event the request for account review seeks review as to current support due and not received during the month of the request and/or the prior month, the Department shall issue an account review decision no later than thirty-t 30 calendar days after the date of the Department's receipt of the request.

f) If the request for account review seeks review as to support due and

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not received for a period more than one month prior to the request, the Department shall issue an account review decision no later than seventy-five-t 75 calendar days after the date of the Department's receipt of the request.

g) Request for documents

1) At any time after requesting an account review, a former AFDC or TANF recipient may request any document possessed by the Department's Division of Child Support Enforcement (DCSE). Such documents include but are not limited to:

- A) support orders,
 - B) all FSIIS screens, or
 - C) other computer records.
- 2) DCSE shall furnish such documents, except as prohibited by federal law and regulations, within thirty-t 30 calendar days of its receipt of the request.

h) The Department shall afford former AFDC or TANF recipients who request account reviews the opportunity to submit additional documentary evidence prior to the issuance of the account review decision.

i) An account review decision shall contain the following:

- 1) the names of the person requesting review, the children, and the responsible relative(s);
 - 2) calculations made by the Department;
 - 3) appropriate citations to Department policy regarding collection and/or distribution of support;
 - 4) a statement as to whether the former AFDC or TANF recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC or TANF recipient;
 - 5) the name and office address of the account reviewer;
 - 6) a statement advising that the account review decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari, unless reconsideration of the account review decision is requested in writing within thirty-t 30 calendar days by the former AFDC or TANF recipient; and
 - 7) a statement that the former AFDC or TANF recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number or in-person at a local office arranged by appointment through the toll-free number.
- j) After a former AFDC or TANF recipient receives an account review decision, the former AFDC or TANF recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number so that the former AFDC or TANF recipient may receive an explanation of her account review decision by her account reviewer. If the former AFDC or TANF recipient's account reviewer is unavailable, a former AFDC or TANF recipient will be offered assistance by another account reviewer.
- k) After a former AFDC or TANF recipient receives an account review decision, she may request an explanation of the decision by an

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in-person meeting at her local office with a designated staff member who will be available to explain the account review decision.

- 1) A former AFDC or TANF recipient has a right to reconsideration of the account review decision. Reconsideration must be requested by the former AFDC or TANF recipient within thirty-(30) calendar days of the date of the account review decision. Former AFDC or TANF recipients will be advised by the account review decision that they have a right to reconsideration of the account review decision and that they must file a written request for reconsideration.
- m) A request for reconsideration must include the former AFDC or TANF recipient's name, case number, date of account review decision, and the reason why the former AFDC or TANF recipient believes that the account review decision is incorrect. The former AFDC or TANF recipient shall also provide copies of any documentation that she believes that the account reviewer failed to consider in reaching the account review decision.
- n) The Department shall issue a reconsideration decision no later than fifteen-(15) calendar days after the date of the Department's receipt of the request.
- o) The reconsideration decision shall include the following:
 - 1) the names of the person requesting the reconsideration, the children, and the responsible relative(s);
 - 2) a statement that the account reviewer has reviewed the prior documents and decision and has considered any new documentation or statements that have been submitted by the former AFDC or TANF recipient;
 - 3) calculations made by the Department in making the reconsideration and citations to appropriate Department policy if different than policy cited in the original decision;
 - 4) a statement as to whether the original account review decision was correct or incorrect and whether the former AFDC or TANF recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC or TANF recipient;
 - 5) the name and office address of the account reviewer;
 - 6) a statement advising that the reconsideration decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari; and
 - 7) a reference to an attached copy of the original account review decision which will be enclosed with the reconsideration decision.
- p) Any funds to which a former AFDC or TANF recipient is determined to be entitled as the result of an account review decision or reconsideration of that decision shall be issued within thirty (30) calendar days of the date of the account review decision or reconsideration of that decision.
- q) A former AFDC or TANF recipient is entitled to seek review by writ of certiorari of any account review decision and is not required to

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request reconsideration of such decision prior to filing an action in state court.

(Source: Emergency amendment at 21 Ill. Reg. 0280, effective July 1, 1997, for a maximum of 150 days)

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1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Emergency Action:

104.100 Amendment
104.101 Amendment
104.102 Amendment
104.104 Amendment
104.209 Amendment
104.210 Amendment
104.213 Amendment
104.221 Amendment
104.246 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 90-18 and Public Law 104-193

5) Effective Date: July 1, 1997

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: These emergency amendments are being filed to comply with requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18, which must be effective on July 1, 1997. Emergency rulemaking for this purpose is specifically authorized by Public Act 90-18.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments make changes to Department hearing rules necessitated by companion emergency amendments to the Department's rules in 89 Ill. Adm. Code 160 on the Title IV-D Child Support Enforcement Program, which are effective July 1, 1997. These changes are necessary for implementation of requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and Public Act 90-18. These amendments:

- delete references to hearings on petitions to stay service of orders for withholding and notices of delinquency and substitute provisions for hearings to contest or correct income withholding notices;
- provide for hearings where the Department intends to certify a responsible relative's failure to comply with a subpoena or warrant to a State licensing agency for suspension or revocation of a license;
- provide that a respondent in a contested administrative paternity hearing may file a demand in writing for a judicial determination of the existence of the father and child relationship; and

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- provide that certified copies of bills for costs incurred for pregnancy and childbirth shall be admitted into evidence in Department administrative hearings without foundation testimony or other proof of authenticity or accuracy.

10) Are there any other proposed amendments pending on this Part? Yes

Section Proposed Action Illinois Register Citation
104.1 Amendment July 7, 1997 (21 Ill. Reg. 8207)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-3215

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

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104.22	Appellant Participation in Hearing
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104.101	Petition for Hearing
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104.102	Conduct of Administrative Support Hearings
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104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
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104.200	Applicability

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104.204 Notice of Intent to Recover Money

104.206 Notice of Contested Paternity Hearing

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104.209 Notice of Intent to Certify Past-Due Support Owed by a 'Responsible Relative or Failure to Comply with a Subpoena or Warrant to a State Licensing Agency and to Take Disciplinary Action

EMERGENCY

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104.212 Prior Factual Determinations

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EMERGENCY

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104.242 Motions

104.243 Subpoenas

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104.247 Cross-Examination

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104.255 Computer Generated Documents

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104.270 Time Limits for Hearings

104.271 Continuances and Extensions

104.272 Withholding of Payments During Pendency of Proceedings

104.273 Continuation of Payments During Pendency of Proceedings

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- 104.285 Failure to Appear or Proceed
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 SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
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- Section
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SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

- 104.400 Suspected Intentional Violation of the Program
 104.410 Advance Notice of Administrative Disqualification Hearing
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SUBPART F: INCORPORATION BY REFERENCE

- Section
 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, P. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified

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with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 5346, effective July 1, 1997, for a maximum of 150 days.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.100 Responsible Relative and Joint Payee Petitions
EMERGENCY

Sections 104.101 through 104.104 apply to all petitions of responsible relatives for release from or modification of Administrative Support Orders, or to contest determinations of the amount of past-due support or of the share of jointly-owned funds (see 89 Ill. Adm. Code 160.70), or to contest withholding stay-service-of or to modify, suspend, or terminate, or correct terms contained in administrative income orders--for withholding--or--to--stay--service--of administrative notices of delinquency (see 89 Ill. Adm. Code 160.60(d)(6)).

(Source: Emergency amendment at 21 Ill. Reg. 3308, effective July 1, 1997, for a maximum of 150 days)

Section 104.101 Petition for Hearing

EMERGENCY

- a) Any responsible relative aggrieved by an administrative support order entered, determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- b) The petition under subsection (a) above shall be filed within 30 days

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from the date of mailing of such order or determination. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.

- c) Any responsible relative in a case with an administrative support order may petition the Department for a hearing to contest withholding, or to correct a term contained in an income withholding notice, or to modify, suspend or terminate an income withholding notice for the reasons provided in 89 Ill. Adm. Code 160.75(d), (e) and (j). Any responsible relative may petition the Department for a hearing to contest immediate service of an administrative order for withholding or stay of service of an administrative order for withholding or notice of delinquency, or to modify, suspend or terminate an administrative order for withholding for the reasons provided in 89 Ill. Adm. Code 160.75(c), (e), (g), (h) and (i).

- d) The petition to modify, suspend, or terminate, or correct a term contained in an income administrative order for withholding notice may be filed at any time and the petition to contest stay of service of such order or an administrative notice of delinquency or a petition contesting immediate service of an administrative order for withholding shall be filed within 20 days after the date of service of the copy of the income withholding notice of delinquency or notice for immediate withholding upon the responsible relative. The day immediately subsequent to the day of service of the copy of the notice shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 20 day appeal period.

- e) The Department shall, upon receipt of a petition, provide for a hearing to be held, except as provided in Section 104.103(b).

(Source: Emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days)

Section 104.102 Conduct of Administrative Support Hearings

EMERGENCY

- a) Hearing De Novo

1) The hearing shall be de novo and the Department's determination of liability or non-liability pursuant thereto shall be independent of the prior determination of liability.

2) In Title IV-D cases, the hearing shall only consider such matters as are relevant for a determination of the duty and financial ability to support under 89 Ill. Adm. Code 160.60 and 160.65.

- b) Rules Governing Hearing

1) Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by Sections 104.10 through 104.70, except that "appellant" as used within these

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Rules shall refer to the responsible relative who petitions and except as set out in subsection (b)(2) below.

- 2) In Title IV-D cases, the following additional rules shall govern:
- A) A request for appeal must be filed with the regional or central office of the Bureau of Child Support Enforcement at the address furnished in the administrative support order.
- B) For purposes of notice and of presenting evidence, the Title IV-D client shall be considered an interested party.
- C) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D responsible relatives.
- D) If the appellant is an Illinois resident, the hearing shall be conducted in the appellant's county of residence. If the appellant is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the appellant nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Enforcement. In any event, the hearing may be conducted in a county acceptable to the appellant, the client, and the Division of Child Support Enforcement. If a party is outside the State, he may, in a manner consistent with Section 11-8.2 of the Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 11-8.2), present his case through depositions and witnesses. In addition, a party may request to participate in the hearing by telephone, at his own expense.
- E) Documents certified by a clerk of court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)
- F) In addition to the appellant, the Bureau of Child Support Enforcement or Title IV-D client may request and receive a continuance for good cause shown (e.g., illness or other circumstance which prevent a party from continuing in the normal course of the hearing).
- G) A decision on appeal shall be given to the IV-D client and responsible relative within 60 days of the Department's receipt of the appeal unless additional time is required for a proper decision due to the complexity or unavailability of relevant evidence, and the IV-D client and responsible relative will be notified of the length of the extension.
- c) A hearing to vacate registration or to modify the administrative income order for withholding notice of ~~filed~~ with the Department shall consider only matters which would be available to the responsible relative as defenses in a civil action in Illinois to enforce a foreign money judgment (such as, payment, partial payment, or identification of the party against whom the judgment was entered).

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If the responsible relative shows the Department that an appeal from the registered support order is pending or will be taken in the court or administrative body of the jurisdiction which originally entered the order, or that a stay of execution has been granted, the Department shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the stay order is vacated.

(Source: Emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days)

Section 104.104 Conduct of Other Hearings

EMERGENCY

a) Hearings on petitions to contest stay-service-of-an-administrative order--for withholding or--notice-of--delinquency--or--to--contest immediate-service-of-such-order, or to modify, suspend, or terminate, or correct a term contained in an administrative income order--for withholding notice shall be governed by Section 104.102, except that subsections (a)(2) and (c) shall not apply, and the following terms as used therein are redefined:

- 1) "administrative support order" shall mean an administrative income order--for withholding notice of delinquency--or--notice--for immediate-withholding.
- 2) "liability" shall mean the accuracy of the income withholding notice for--immediate-withholding, or the accuracy of the notice of delinquency amount stated in the income withholding notice based upon the administrative support order for--withholding, or the force and effect to be given to such income withholding notice order, each as referred to for judicial orders for withholding in 89 Ill. Adm. Code 160.75(d), (e) and (j) 160-75(e)-(f)-(g)-(h)-and-(i).

b) The Department shall limit any relief granted to the types of relief authorized for use within judicial orders for withholding in 89 Ill. Adm. Code 160.75(d), (e) and (j) 160-75(e)-(f)-(g)-(h)-and-(i).

(Source: Emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days)

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative or Failure to Comply with a Subpoena or Warrant to a State Licensing Agency and to Take Disciplinary Action

EMERGENCY

If the Department intends to certify past-due support owed by a responsible relative to a State licensing agency or failure to comply with a subpoena or

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warrant and the licensing agency intends to take disciplinary action, the Department and the licensing agency shall notify the responsible relative in writing, setting forth:

- a) the reasons for the intended actions;
- b) a statement of the right to request a hearing;
- c) a statement of the time, place and nature of the hearing, if one is requested;
- d) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- e) a reference to the Sections of the statutes and rules involved; and
- f) a statement of the right to prevent certification and disciplinary action by payment of the past-due support in full or by entering into a payment plan acceptable to the Department, or in cases involving failure to comply with a subpoena or warrant, by complying with the subpoena or warrant.

(Source: Emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days)

Section 104.210 Right to Hearing

EMERGENCY

a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:

- 1) the Department's decision to deny an application (as provided in Section 104.204);
- 2) the Department's intent to recover money (as provided in Section 104.206);
- 3) the Department's intent to terminate or suspend a vendor's eligibility or terminate (or not renew) a vendor's provider agreement (as provided in Section 104.208); or
- 4) the Department's intent to certify past-due support owed by a responsible relative or failure to comply with a subpoena or warrant to a State licensing agency and the licensing agency's intent to take disciplinary action (as provided in Section 104.209).

b) A request for hearing must be received by the Department within 10 days of the date on which the vendor received the Department's notice. This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.

d) If such a request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted as the basis therefor in the notice shall be a final and binding administrative determination.

e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor requests a hearing, such a request shall not delay the effective date of action set forth in the Notice. In all other actions initiated pursuant to Sections 104.204 or 104.208(a) or (d),

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the action shall not take place until the final administrative decision has been issued.

- f) A long term care facility may request a hearing within 60 days after receipt of the Department's notice on any action initiated pursuant to Section 104.208(c) or (d). For a nursing home (not an ICF/MR facility), such request shall not delay the effective date of action set forth in the notice pursuant to Section 104.208(c).

(Source: Emergency amendment at 21 Ill. Reg. § 306, effective July 1, 1997, for a maximum of 150 days)

Section 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship ~~Jury Trial in Contested Paternity Hearings~~

- a) A respondent in a contested paternity hearing may file a demand in writing for a judicial determination of the existence of the father and child relationship ~~jury trial~~. This demand must be filed no later than 28 days after receipt of the notice served pursuant to Section 104.207.
- b) In hearings in which such a demand is filed, the Department shall retain jurisdiction over the respondent until genetic tests are ordered pursuant to Section 104.249 and the results have been received. The Department will refer for judicial action in Circuit Court any matter in which a demand for judicial determination of the existence of the father and child relationship ~~jury trial~~ has been timely filed.

(Source: Emergency amendment at 21 Ill. Reg. § 306, effective July 1, 1997, for a maximum of 150 days)

Section 104.221 Issues at Hearings

EMERGENCY

- a) The sole issue at a hearing where the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization shall be whether the vendor has such a license, certificate or authorization.
- b) The sole issue at a hearing where the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he should be admitted to the Medical Assistance Program.
- c) The sole issue at a hearing where the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certification or

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authorization.

- d) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether the vendor has corrected the deficiencies on which the suspension was based.
- e) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.
- f) The only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by a court or administrative body, and whether the responsible relative is more than 30 days delinquent, and, if applicable, whether the responsible relative failed to comply with a subpoena or warrant.
- g) The only issue at a hearing initiated pursuant to 89 Ill. Adm. Code 140.16(c) is whether the vendor is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission.

(Source: Emergency amendment at 21 Ill. Reg. § 306, effective July 1, 1997, for a maximum of 150 days)

Section 104.246 Evidence at Hearings

EMERGENCY

- a) The vendor may introduce evidence at the hearing that was not made available to the Department at the time the application or request for special permission was denied. If additional evidence is introduced at the hearing and the hearing officer determines that the vendor did not demonstrate he should be admitted based on the evidence available at the time the application or request for special permission was denied, but would have so demonstrated had the additional evidence at the hearing been available, the hearing shall be remanded to the Department for a new decision which considers such additional evidence. If additional evidence is introduced at the hearing and the hearing officer determines that the vendor would not have demonstrated that he should be admitted to the Medical Assistance Program or granted special permission even if such additional evidence had been considered, the recommendation shall be to uphold the Department's decision.
- b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted

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(except where precluded by statute) if it is of the type commonly relied upon by reasonably prudent men in the conduct of their affairs. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Any party may submit evidence in rebuttal or surrebuttal.

c) Summaries of voluminous documents may be admitted into evidence. The document summarized need not itself be admitted into evidence. Copies of the document need not be provided so long as all parties are accorded a reasonable opportunity to inspect the document summarized and no substantial injustice results.

d) If the hearing is related in whole or in part to the Department's intent to recover money and the Department's recovery is based on sampling and extrapolation, the vendor may:

- 1) present evidence to show that the sample used by the Department was invalid and, therefore, should not be used to project the overpayments identified in the sample to total billings for the audit period; or
- 2) the vendor may also conduct an audit of 100% of the medical records of payments received during the audit period and present the results of such an audit at the hearing. Any such audit should demonstrate that the vendor's records for the unaudited services provided during the audit period were in compliance with the regulations, provider handbooks and other written requirements of the Department. The vendor should be prepared to submit supporting documentation to demonstrate this compliance.

e) In contested hearings to establish paternity under 89 Ill. Adm. Code 160.61(c), certified copies of bills for costs incurred for pregnancy and childbirth shall be admitted into evidence without foundation testimony or other proof of authenticity or accuracy.

(Source: Emergency amendment at 21 Ill. Reg. 6306, effective July 1, 1997, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

1) Heading of Titles: Public Health

2) Code Citation: Title 77

3) Date of Index Department Review: July 1, 1997

4) Headings of Parts Being Affected:

The Department of Alcoholism and Substance Abuse was merged into the Department of Human Services pursuant to Public Act 89-507. The rules of the predecessor agency have been made the rules of the new agency.

In this codification change, Part and section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

<u>Part Number:</u>	<u>Headings:</u>
2030	Award and Monitoring of Funds
2057	Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs
2060	Alcoholism and Substance Abuse Treatment and Intervention Licenses
2070	Schedule of Controlled Substances
2075	Research
2080	TriPLICATE Prescription Control Programs
2085	Research
2090	Subacute Alcoholism and Substance Abuse Treatment Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

1) Heading of Titles: Service Delivery

2) Code Citation: Title 89

3) Date of Administrative Code Review: July 1, 1997

4) Headings and Section Numbers of Parts Being Recodified:

The responsibility for the provision of youth services and day care services was transferred from the Department of Children and Family Services to the Department of Human Services pursuant to Public Act 89-507.

In this codification change, Part and section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

Part Numbers: Headings:

310	Delivery of Youth Services Funded by the Department of Human Services
313	Community Services
334	Administration and Funding of Community-Based Services to Youth

EDITOR'S NOTE: These rules have been recodified from Chapter III to Chapter IV, Subchapter a: General Program Provisions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF CODIFICATION CHANGE

1) Heading of Titles: Mental Health

2) Code Citation: Title 59

3) Date of Index Department Review: July 1, 1997

4) Headings of Parts Being Affected: The Department of Mental Health and Developmental Disabilities was merged into the Department of Human Services pursuant to Public Act 89-507. The rules of the predecessor agency have been made the rules of the new agency.

In this codification change, Part and section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

Part Number: Headings:

102	Department Facilities and Grounds
103	Grants
104	Personnel
106	Services Charges
108	Education and Training
110	Recipient's Property
112	Treatment and Habilitation Services
113	Minimum Standards for Licensure of Community Residential Alternatives
115	Standards and Licensure Requirements for Community-Integrated Living Arrangements
117	Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities
119	Minimum Standards for Certification of Developmental Training Programs
120	Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities
121	Early Intervention Program
122	Certification Under Medicaid Rehabilitation Option for Early Intervention Programs
125	Recipient Discharge/Linkage/Aftercare
132	Medicaid Community Mental Health Services Program
135	Individual Care Grants for Mentally Ill Children
258	Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers

DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

1) Heading of Title: Social Services

2) Code Citation: Title 89

3) Date of Index Department Review: July 1, 1997

4) Headings of Parts Being Affected:

Effective July 1, 1997, a number of programs and functions of the Department of Public Aid have been merged into the Department of Human Services pursuant to Public Act 89-507. Rules of the Department of Public Aid governing these programs and functions have been made the rules of the Department of Human Services.

In this recodification, Part and section numbers are not being changed. Only changes relating to Chapter headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

The recodified text of Part 112 (Temporary Assistance for Needy Families), Part 114 (General Assistance), Part 116 (Crisis Assistance), Part 117 (Related Program Provisions), and Part 165 (Collections and Recoveries) include emergency amendments which were adopted effective July 1, 1997. These emergency amendments appeared in the July 7, 1997, issue of the *Illinois Register*.

<u>Part Number:</u>	<u>Heading:</u>
Part 112	Temporary Assistance for Needy Families
Part 113	Aid to the Aged, Blind or Disabled
Part 114	General Assistance
Part 115	Refugee/Entrant/Repatriate Program
Part 116	Crisis Assistance
Part 117	Related Program Provisions
Part 121	Food Stamps
Part 130	Administration of Social Service Programs
Part 144	Developmental Disabilities Services
Part 165	Collections and Recoveries

EDITOR'S NOTE: These rules have been recodified from Chapter I to Chapter IV, Subchapter a: General Program Provisions.

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NOTICE OF CODIFICATION CHANGE

1) Heading of Titles: Service Delivery

2) Code Citation: Title 77

3) Date of Administrative Code Division Review: July 1, 1997

4) Headings and Part Numbers of Parts Being Recodified: The responsibility for the provision of direct maternal and child health services, family planning services, WIC vendor management, problem pregnancy health services, and funding for treatment of renal disease and hemophilia have been transferred from the Department of Public Health from the Department of Human Services pursuant to Public Act 89-570.

In this codification change, Part and section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency and other non-substantive changes reflecting the merger are being made at this time.

<u>Part Numbers:</u>	<u>Headings:</u>
630	Maternal and Child Health Services Code
635	Family Planning Services Code
655	Problem Pregnancy Services and Care Projects
672	WIC Vendor Management Code
700	Renal Diseases Treatment for Care and Treatment Code
705	Hemophilia Program

EDITOR'S NOTE: These have been recodified from Chapter I to Chapter X, and all existing Subchapter designations remain the same.

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NOTICE OF RECODIFICATION

- 1) Heading of Titles: Grievance Procedures
- 2) Code Citation: Title 4
- 3) Date of Index Department Review: July 1, 1997
- 4) Headings of Parts Being Affected:

The Department of Rehabilitation Services was merged into the Department of Human Services pursuant to Public Act 89-507. The rules of the predecessor agency have been made the rules of the new agency.

In this codification change, Part and Section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

Part Number: 300
Headings: Americans with Disabilities Act Grievance Procedure

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NOTICE OF RECODIFICATION

- 1) Heading of Titles: General Program Provisions
- 2) Code Citation: Title 89
- 3) Date of Index Department Review: July 1, 1997
- 4) Headings of Parts Being Affected:

The Department of Rehabilitation Services was merged into the Department of Human Services pursuant to Public Act 89-507. The rules of the predecessor agency have been made the rules of the new agency.

In this codification change, Part and Section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

Part Number:
Headings:

505	Confidentiality
510	Appeals and Hearings
515	Advisory Councils
520	Authorizations
525	Grants and Contracts
527	Recovery of Misspent Funds
530	Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs
545	Ratemaking
546	Public Use of DHS Facilities
553	Assessment for Determining Eligibility and Rehabilitation Needs
557	Application
562	Customer Financial Participation
567	Comparable Benefits
572	Individualized Written Rehabilitation Program (IWRP)
590	Services
617	Closure
640	Projects with Industry
645	Worker's Compensation
650	Vending Facility Program for the Blind
676	Program Description
677	Customer Rights and Responsibilities
679	Determination of Need (DON) and Resulting Service Cost Maximums (SCMS)
681	Prescreening
682	Eligibility
684	Service Planning and Provision
686	Provider Requirements, Type Services, and Rates of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

Part Number:Headings:

688	Payment
	Illinois Long-Term Care Partnership Demonstration Program
716	Case Management Services to Persons with AIDS
730	Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually
750	Role of Educational Facilities Operated by the Illinois Department of Rehabilitation Services
755	Admission, Suspension, Expulsion and Discharge Procedures
760	Responsibility for Special Education
765	The Establishment and Administration of Special Education
770	Special Education Instructional Program
775	Special Education Related Services
780	Vocational Programs
785	Home and Hospital Programs
790	State Operated or Private Programs
795	Identification, Evaluation, and Placement of Exceptional Children
800	Impartial Due Process Hearing
805	Surrogate Parents
810	Special Education Personnel
815	Special Transportation
820	Evaluation and Coordination of Special Education
825	Definition of Terms
827	Rules of Conduct
829	Sex Equity
830	Non-Academic Programs and Policies
835	Therkelsen/Hansen College Loan Fund
880	Voter Registration Program
886	Centers for Independent Living
890	Telecommunication Devices for the Deaf in Major Public Transportation Sites
899	LEKOFES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

- 1) Heading of Titles: Governmental Organizations
- 2) Code Citation: Title 2
- 3) Date of Index Department Review: July 1, 1997
- 4) Headings of Parts Being Affected:

The Department of Rehabilitation Services was merged into the Department of Human Services pursuant to Public Act 89-507. The rules of the predecessor agency have been made the rules of the new agency.

In this codification change, Part and Section numbers are not changing. Only changes relating to Chapter headings, some Subchapter headings, some Part headings, references to the agency, and other non-substantive changes reflecting the merger are being made at this time.

Part Number:

1175	Public Information, Rulemaking, Department Organization
1176	Access to Public Records
1177	Impartial Hearing Officer Standards

Headings:

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

Section 28.1(d)(3) of the Environmental Protection Act (Act) [415 ILCS 5/28.1(d)(3)(1996)] requires the Board to annually publish in the Illinois Register and the Environmental Register a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard determinations made by the Board during the fiscal year 1997 (July 1, 1996 through June 30, 1997).

Final Actions Taken by the Pollution Control Board Adjusted Standards Proceedings during Fiscal Year 1997 (July 1, 1996 through June 30, 1997)

Docket/Docket Title

Final Determination

AS 94-10: In the Matter of: Petition of Enviro-rite Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 721, Subpart D: list of Hazardous Substances, Appendix I

On November 7, 1996, the Board amended its order of February 15, 1996, in which the Board granted an adjusted standard from certain RCRA Subtitle C hazardous waste listings, in order to accommodate a change in facility ownership.

AS 95-6: In the Matter of: Petition of National Metalwares, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 218.204(g)

On September 5, 1996, the Board granted voluntary withdrawal of this petition filed on behalf of a Kane County facility for an adjusted standard from certain volatile organic emission requirements of the air pollution control regulations applicable to metal furniture coating operations in the Chicago metropolitan area.

AS 96-7: In the Matter of: Petition for an Adjusted Standard from 35 Ill. Adm. Code Part 306.305(b)

On September 5, 1996, the Board dismissed the petition filed on behalf of a St. Clair County facility for an adjusted standard from certain primary treatment requirements of the water pollution control regulations applicable to wet weather flows due to the petitioner's failure to file an amended petition as instructed by an earlier Board order.

AS 96-9: In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811, 814

On August 15, 1996, the Board granted this Will County facility an adjusted standard, with conditions, from certain leachate collection, monitoring well location,

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

groundwater monitoring, final cover, zone of attenuation, and other requirements of the solid waste disposal (non-hazardous solid waste landfill) regulations.

AS 96-10: In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811.814

On October 3, 1996, the Board granted this Will and Cook County facility an adjusted standard, subject to conditions, from certain effluent temperature requirements of the water pollution regulations.

AS 96-11: In the Matter of: Chemetco, Inc. petition for an Adjusted Standard from 35 Ill. Adm. Code Parts 720.131(a), (c)

On August 1, 1996, the Board found that petitioner had not timely filed a certificate of publication and dismissed this petition filed on behalf of a Madison County facility for a solid waste determination (adjusted standard) pursuant to the RCRA Subtitle C hazardous waste regulations.

AS 96-12: In the Matter of: Petition of Illinois Department of Transportation, District 8, for an Adjusted Standard from 35 Ill. Adm. Code Parts 302.208, 304.124 and 302.203.

On October 3, 1996, the Board granted this St. Clair County facility an adjusted standard, subject to conditions, from certain iron, total suspended solids, and effluent color discharge requirement standards of the water pollution control regulations, as they would relate to the natural oxidation and biotransformation of iron in the water discharged.

AS 97-1: In the Matter of: Petition of American River Transportation Company for an Adjusted Standard from 35 Ill. Adm. Code 809.201, 809.301, 809.302 and 809.501.

On February 6, 1997, the Board granted this LaSalle County facility an adjusted standard, subject to conditions, from the Board's regulations requiring that special waste haulers obtain a permit and that special waste be manifested prior to transportation and disposal.

AS 97-3: In the Matter of: Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm.

On May 15, 1997, the Board granted this Madison County facility an adjusted standard from the Board's

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Code 725.213 and 725.321.

regulations regarding closure of certain waste treatment ponds at its Wood River facility to allow use the ponds to treat nonhazardous waste in compliance with its National Pollution Discharge Elimination System permit.

AS 97-4: In the Matter of: Petition of Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183

On June 19, 1997, the Board denied this Union County facility an adjusted standard from a regulation requiring it to submit to the IEPA topographic maps containing specific information as part of a RCRA permit application.

AS 97-7: In the Matter of: Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code 811.309

On April 17, 1997, the Board dismissed this matter for failure to timely file a certificate of publication.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: Uniform Penalty and Interest Act
Citation: 35 ILCS 735/3-1

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 97-23, the Internal Revenue Service announced that the underpayment rate will be 9% for the period beginning July 1, 1997. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from July 1, 1997 through December 31, 1997.

3. Name and address of person to contact concerning this information:

Keith Staats
Associate Chief Counsel (Income Tax)
Legal Services Office
Illinois Department of Revenue
101 W. Jefferson
Springfield, Illinois 62794
217/782-7055

DEPARTMENT OF TRANSPORTATION

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a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization; 92 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: This rulemaking updates Part 1225 to, among other things, accurately reflect the reorganization of the Department's Division of Highways.

B) Statutory Authority: [5 ILCS 100/5-15 and 20 ILCS 5/16]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: This rulemaking will be effective upon filing. Anticipated filing date is unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Regulations for State Operating Assistance to Downstate Areas; 92 Ill. Adm. Code 653

1) Rulemaking:

A) Description: The Downstate Public Transportation Act [30 ILCS 740/1] established a continuing program of State operating assistance for public transportation services outside the areas served by the Regional Transportation Authority (Cook, DuPage, Will, McHenry, Lake and Kane Counties) and outside Madison, Monroe and St. Clair Counties. This Part sets forth the purposes and conditions with which the operating assistance funds may be used. This rulemaking will amend the Part to update and bring it into conformance with current industry practice.

B) Statutory Authority: Implementing and authorized by

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Sections 2-4, 2-6 and 2-14 of the Downstate Public Transportation Act [30 ILCS 740/2-4, 2-6 and 2-14].

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Unknown at this time

E) Effect on small businesses, small municipalities or not for profit corporations: The revisions to this Part will benefit small municipalities.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Business Logo Signing Program; 92 Ill. Adm. Code 542

1) Rulemaking:

A) Description: This Part was established to regulate the use of business logos displayed along various interstate highways. It established standards, specifications, and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos provide motorists with travel-related directional information to facilities offering gas, food, lodging, and camping. The Department will propose technical changes to close loopholes and to address things not previously covered in the original Part.

B) Statutory Authority: 225 ILCS 440/4.08 and 14.01 and 605 ILCS 5/4-201.1

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Fall 1997

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and possibly not-for-profit organizations. Small

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municipalities will not be impacted by this rule.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Control of Outdoor Advertising Adjacent to Primary and Interstate Highways; 92 Ill. Adm. Code 522

1) Rulemaking:

A) Description: P.A. 89-605, effective August 2, 1996 amended the Highway Advertising Control Act of 1971 to comply with the provisions of the federal Intermodal Surface Transportation Efficiency Act (ISTEA) regarding the creation of the National Highway System and Scenic Byways. The passage of this bill brings the Department into full compliance with the federal law regarding scenic byways and the highway beautification regulations. New definitions will be added to the Part pursuant to the Public Act. The Department is also, by this rulemaking, clarifying the definition of "Business Area," expanding the Section entitled "Receipt of Application," and clarifying the Department's application processing and review procedures. The standards for on premise signs (Section 522.190) and the standards for signs in business areas (Section 522.200) will also be clarified.

B) Statutory Authority: 225 ILCS 440/14.01

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: The billboard industry, hotel-motel management association and other groups affected by the revisions were involved in writing this specific legislation and will most likely support the rule changes. Small businesses will be affected to the extent that non-conforming signs will not be eligible to be re-erected if,

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for example, they are damaged in a storm.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Rail Freight Program; 92 Ill. Adm. Code 800

1) Rulemaking:

A) Description: This Part contains the Department's requirements for rail freight capital improvement projects and the management and administration of the projects funded under this program. This rule-making will bring this Part into conformance with standard industry practice and will also clear up ambiguities currently contained in the Part.

B) Statutory Authority: Implementing and authorized by Sections 49.25d and 49.25g-1 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.25d and 49.25g-1]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Under review by Chief Counsel

E) Effect on small businesses, small municipalities or not for profit corporations: The revisions will more comprehensively explain eligibility requirements and loan obligations.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

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- G) Related rulemakings and other pertinent information: None

F) Part(s) (Heading and Code Citation): School Bus Driver's Pretrip Inspection Requirements; 92 Ill. Adm. Code 458

1) Rulemaking:

A) Description: A new Part will be established which will address only specific school bus driver pretrip requirements. Changes will be made to the pretrip inspection program.

B) Statutory Authority: Section 13-115 of the Illinois Vehicle Code [625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that operate school buses.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: 92 Ill. Adm. Code 441 and 443

9) Part(s) (Heading and Code Citation): Inspection Procedures for Types I, II and Special Education School Buses (92 Ill. Adm. Code 441, 443 and 445)

1) Rulemaking:

A) Description: These Parts will be amended to remove language relevant to the school bus driver's pretrip inspection requirements. The amendments will also update and correct the Parts.

B) Statutory Authority: Implementing and authorized by Article

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VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. III] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that operate school buses.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: School Bus Driver's Pretrip Inspection Requirements

h) Part(s) (Heading and Code Citation): Illinois Hazardous Materials Transportation Regulations (92 Ill. Adm. Code 107-180)

1) Rulemaking:

A) Description: These rulemakings will update the regulations to conform with federal changes recently adopted. Also, a procedural change will be proposed to the civil penalty proceeding.

B) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: These rulemakings will affect small businesses and municipalities that ship or carry placarded hazardous materials.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

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Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Minimum Safety Standards for Construction of Type I School Buses and Minimum Safety Standards for Construction of Type II School Buses; 92 Ill. Adm. Code 440 and 442

1) Rulemaking:

A) Description: Senate Bill 31 requires school buses manufactured after December 31, 1997 to be equipped with crossing control arms. Assuming this legislation becomes law, amendments to this Part will provide specification standards for crossing control arms on school buses manufactured after December 31, 1997; will update the Parts; and, finally, will correct errors in the Parts.

B) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12 - Article VIII].

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Depends on when legislation becomes law.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses that own or operate school buses in Illinois. It will also affect any small businesses that manufactures crossing control arms for sale or distribution.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: 92

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Ill. Adm. Code 441 and 443 (inspection procedures for Types I and II school buses)

- j) Part(s) (Heading and Code Citation): Airport Hazard Zoning Regulations; 92 Ill. Adm. Code 15

1) Rulemaking:

A) Description: The Department intends to propose a generic Airport Hazard Zoning rule which will eventually replace and consolidate existing Airport Hazard rules. The new Part will use different language from the existing Parts in areas to reduce confusion and to make the requirements more understandable. The existing Parts include a local zoning map as part of those rules; whereas, the new rule will have the map be merely advisory. The new Part can be expected to apply to airports that do not currently have Airport Hazard zoning rules. This new Part will apply to publicly owned airports. Like the rules it replaces, this rulemaking will attempt to limit hazards to aviation by placing height restrictions on vegetation and structures in the area near pertinent airports. This rulemaking will also address light and electromagnetic interference which may compromise the safety of flight. The Dekalb Municipal Airport Hazard Zoning Rule (92 Ill. Adm. Code 36) will be the first rule repealed and replaced by the new generic rule.

B) Statutory Authority: 620 ILCS 25/17

C) Scheduled meeting/hearing date: The first hearing took place in March 1997. Subsequent hearings will be held as additional airports are added on.

D) Date agency anticipates First notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: No impact anticipated

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
 Address: Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: 92

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Ill. Adm. Code 36 will be repealed in connection with the promulgation of Part 15.

- k) Part(s) (Heading and Code Citation): Mailbox Turnouts; 92 Ill. Adm. Code 532

1) Rulemaking:

- A) Description: The Department is repealing the existing Part on Mailbox Turnouts. The new Part will establish up-to-date specifications for the place of erection and maintenance of mailboxes on state highways.

- B) Statutory Authority: 605 ILCS 5/4-207

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First notice: Within six months

- E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses and not-for-profit corporations will be minimally affected; that is, the delivery of their mail is not expected to change because of the revisions to this Part.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None

- l) Part(s) (Heading and Code Citation): Tourist Oriented Directional Signing; 92 Ill. Adm. Code _____

1) Rulemaking:

- A) Description: This Part will establish standards, specifications, and financial responsibility for a program of placing tourist oriented business signs along various state highways in rural areas. The displayed signs will provide motorists with directional information to facilities providing services to tourists.

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- B) Statutory Authority: 605 ILCS 5/4-201.1, 625 ILCS 5/11-303, and 225 ILCS 440/4.01, 4.08 and 14.01

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First notice: Within six months

- E) Effect on small businesses, small municipalities or not for profit corporations: Will impact small businesses and possibly not-for-profit corporations and small municipalities interested in displaying signs.

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): Aviation Safety; 92 Ill. Adm. Code 14

1) Rulemaking:

- A) Description: The Department will be repealing Part 14 and replacing it with a new Part 14 which will reorganize and update the old Part. The new Part will, among other things, conform with FAA requirements; will eliminate obsolete and redundant language, will eliminate Subpart E, "Reporting of Accidents under Aircraft Financial Responsibility Law"; will add new definitions in conformance with amendments to the Illinois Aeronautics Act; will clarify and revise dimensional standards of helicopters, airports and RAs; will create a new Subpart for Ultralight vehicles; and will establish compliance standards with regard to fuel sales and through-the-fence operations at airports receiving state and federal grants.

- B) Statutory Authority: 620 ILCS 5/28, 42(3) and 47

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First notice: Within six months

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E) Effect on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Land Acquisition and Relocation Assistance for Airport Projects; 92 Ill. Adm. Code _____

1) Rulemaking:

A) Description: The Department, Division of Aeronautics, intends to promulgate a rule which provides for procedures to be followed by Division personnel and airport owners when applying the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to airport projects receiving federal financial assistance that involve the acquisition of land or the displacement of persons, farm operators, or businesses. By incorporating by reference the Federal Aviation Administration's guidelines contained in Order #5100.37A entitled "Land Acquisition and Relocation Assistance for Airport Projects", dated April 4, 1994, the Division will establish a uniform policy for the acquisition of real property for airport projects receiving federal financial assistance.

B) Statutory Authority: 620 ILCS 5

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: To the extent that small businesses will be displaced and/or eligible to receive federal financial assistance, they will be impacted by this Part.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JULY 1997 REGULATORY AGENDA

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

ILLINOIS COMMUNITY COLLEGE BOARD

REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

1) Rulemaking: Proposed amendments to Section 1501.603 (State-Funded Capital Projects)

- A) Description: The ICCB anticipates proposing amendments to the current rules on state-funded capital projects. These rules had not been updated or revised for many years. The amendments are proposed in order to accurately reflect the current needs and priorities of the community colleges in Illinois.

B) Statutory authority: 805 ILCS 5-1 through 5-12

- C) Scheduled meeting/hearing dates: None scheduled. The proposed changes will be distributed to the 49 Illinois public community colleges as a future action agenda item in the September 19, 1997 ICCB agenda materials. Pending comments/changes from the system, the rules changes will be sent to the ICCB for approval at its October 17, 1997 meeting, with submission to the Index Department immediately following board approval.

D) Date agency anticipates First Notice: October 20, 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jill O'Shea
Director for Governmental Relations
Illinois Community College Board
509 South Sixth Street, Suite 400
Springfield, IL 62701-1874
Telephone: 785-0213

G) Related rulemakings and other pertinent information: None

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

JULY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Fees for Processing Requests for Convictions Information, 20 Ill. Adm. Code 1570

1) Rulemaking:

- A) Description: The Authority plans to propose rulemaking that may result in changes in the fee amounts that local criminal justice agencies are allowed to charge for processing requests for conviction information.

B) Statutory Authority: 20 ILCS 3930/7(5) and 20 ILCS 2635/7.

C) Scheduled meeting/hearing dates: No meetings or hearings have yet been scheduled.

D) Date agency anticipates First Notice: The Authority anticipates submitting a notice of proposed rulemaking during the next 6 months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: The rulemaking may affect small businesses, small municipalities or not for profit corporations, in that it may change the fee amounts that local criminal justice agencies are allowed to charge to these entities for processing their requests for conviction information.

F) Agency contact person for information:

Name: Robert P. Boehmer, General Counsel
Address: 120 S. Riverside Plaza, Suite 1016
Chicago, IL 60606
Telephone: 312-793-8550

G) Related rulemakings and other pertinent information: None.

STATE BOARD OF EDUCATION

JULY 1997 REGULATORY AGENDA

- a) Part: Special Program Grants; 23 Ill. Adm. Code 220.

1) Rulemaking:

A) Description:

Part 220 (currently titled "Scientific Literacy") will be recodified, given a new title, and used for the consolidation of several existing sets of rules that deal with individual, competitive grant programs. This will be an effort to streamline numerous rules of the State Board that are all very similar, in order to eliminate redundancy and make comprehensive information available in one location. No significant substantive changes are contemplated.

- B) Statutory Authority: 105 ILCS 5/2-3.6.

- C) Scheduled meeting/hearing date: To be announced.

- D) Date agency anticipates First Notice: December 5, 1997.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

- F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-0541

- G) Related rulemakings and other pertinent information: The existing material in Part 220 will be reused in the context of this recodification. In addition, five Parts will be repealed at the same time as their substance is reorganized into the revised Part 220. These are 23 Ill. Adm. Code 205 (Truants' Alternative and Optional Education Programs); 225 (Alcohol and Drug Education Initiative); 235 (Preschool Educational and Coordinated Model Preschool Educational Programs); 245 (Urban Education Partnership Program); and 250 (Comprehensive Arts Program). Finally, 23 Ill. Adm. Code 575 (School Technology Program) will be recodified as Part 222 and placed into subchapter f of the Board's rules, which will be retitled "Competitive Grants."

HEALTH FACILITIES PLANNING BOARD

JULY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Narrative & Planning Policies; 77 Ill. Adm. Code 1100

1) Rulemaking:

- A) Description: Part 1100 will be amended to revise certificate of need planning policies concerning but not limited to Obstetrics, Intensive Care, Acute Mental Illness, Burn, Substance Abuse, Pediatrics and End Stage Renal Dialysis categories of service. Additionally, amendments to the rules covering the publication of an inventory of health care facilities and services will be proposed.

- B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. A December 1997 first notice publication is anticipated.

- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1100 are not anticipated to have an adverse impact upon health care facilities.

- F) Agency contact person for information:

Donald Jones
Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
217-782-3516

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110

1) Rulemaking:

- A) Description: Part 1110 will be amended to revise portions of the general and service specific review criteria concerning but not limited to Acute Mental Illness,

HEALTH FACILITIES PLANNING BOARD

JULY 1997 REGULATORY AGENDA

Therapeutic Radiology, and End-Stage Renal Dialysis categories of service. Rule changes on Ambulatory Surgical Treatment Centers will also be proposed. Additionally, Section 1110.730(c) (provisions for Acute Mental Illness) will be revised to reflect the amendments from Public Act 89-516.

- B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Board prior to *Illinois Register* publication. A December 1997 first notice publication is anticipated.

- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1110 are not anticipated to have an adverse impact upon health care facilities.

- F) Agency contact person for information:

Donald Jones
Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
217-782-3516

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Health Facilities Planning Procedural Rules; 77 Ill. Adm. Code 1130

1) Rulemaking:

- A) Description: Part 1130 will be amended to revise procedural rules concerning clarification of transactions that are by or on behalf of a health care facility, changes to exemption requirements for certain transactions, revisions to post permit requirements such as definition of obligation, tolling of permit expiration dates due to litigation and definition of project.

- B) Statutory Authority: Health Facilities Planning Act (20

HEALTH FACILITIES PLANNING BOARD

JULY 1997 REGULATORY AGENDA

ILCS 3960).

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to *Illinois Register* publication. A December 1997 first notice publication is anticipated.

- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1130 are not anticipated to have an adverse impact upon health care facilities.

- F) Agency contact person for information:

Donald Jones
Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, Second Floor
Springfield, Illinois 62761
217-782-3516

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Other Board Rules; 77 Ill. Adm. Code 1190

1) Rulemaking:

- A) Description: Part 1190 will be amended to make technical changes to the fee schedule that became effective on January 1, 1997.

- B) Statutory Authority: Health Facilities Planning Act (20 ILCS 3960).

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to *Illinois Register* publication. A December 1997 first notice publication is anticipated.

- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1190 are

HEALTH FACILITIES PLANNING BOARD

JULY 1997 REGULATORY AGENDA

not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones
Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, Second Floor
Springfield, Illinois 62761
217-782-3516

G) Related rulemakings and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JUNE 1997 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization 2 Ill. Adm. Code 1975

1) Rulemaking:

- A) Description: Amends the number of board members in a quorum.
- B) Statutory Authority: Sections 3805/6 of the Illinois Housing Development Act.
- C) Scheduled meeting/hearing date: July, 1997.
- D) Date agency anticipates First Notice: July, 1997.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Richard B. Muller, Esq.
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 900
Chicago, IL 60611
312/836-5327

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Affordable Housing Program 47 Ill. Adm Code 360

1) Rulemaking:

- A) Description: Amends various sections to conform with updated guidelines.
- B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].
- C) Scheduled meeting/hearing date: September, 1997.
- D) Date agency anticipates First Notice: October, 1997.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JUNE 1997 REGULATORY AGENDA

F) Agency contact person for information:

Lori Silver-Finkel, Esq.
 Illinois Housing Development Authority
 401 N. Michigan Ave., Ste. 900
 Chicago, IL 60611
 312/83-7341

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): MultiFamily Rental Housing Mortgage Loan Program 47 Ill. Adm Code 310

1) Rulemaking:

- A) Description: Amend Section 310.702 to amend income limits.

- B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

- C) Scheduled meeting/hearing date: July, 1997.

- D) Date agency anticipates First Notice: July, 1997.

- E) Affect on small businesses, small municipalities or not for Profit corporations: None.

F) Agency contact person for information:

Richard B. Muller, Esq.
 Illinois Housing Development Authority
 401 N. Michigan Ave., Ste. 900
 Chicago, IL 60611
 312/836-5327

G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation):

1) Rulemaking: Risk Sharing Program

- A) Description: Create rules for administering the program.

- B) Statutory Authority: Title II of the Housing and Community Development Act of 1992, as amended, and the regulations promulgated thereunder, 24 CFR Part 266; authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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C) Scheduled meeting/hearing date: October, 1997.

- D) Date agency anticipates First Notice: October, 1997.

- E) Affect on small businesses, small municipalities or not for Profit corporations: None.

F) Agency contact person for information:

Richard B. Muller, Esq.
 Illinois Housing Development Authority
 401 N. Michigan Ave., Ste. 900
 Chicago, IL 60611
 312/836-5327

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF INSURANCE

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- a) Part(s) (Heading and Code Citation): Purchasing and Selling Call and Put Option Contracts, 50 Ill. Adm. Code 802

1) Rulemaking:

- A) Description: This Part will be amended to establish valuation and reporting standards for derivative instruments pursuant to SB 801.
- B) Statutory Authority: Implementing and authorized Article VIII of the Illinois Insurance Code [215 ILCS 5/124 through 126.32].
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled.

- D) Date agency anticipates First Notice: November 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

James Hanson
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-6284

- G) Related rulemakings and other pertinent information:
Portions of Part 802 and 805 may also need to be repealed.

- b) Part(s) (Heading and Code Citation): Lending of Securities, 50 Ill. Adm. Code 803

1) Rulemaking:

- A) Description: This Part will be amended to implement SB 801.
- B) Statutory Authority: Implementing Article VIII and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/124 through 126.32].
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled.

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- D) Date agency anticipates First Notice: November 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

James Hanson
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-6284

- G) Related rulemakings and other pertinent information:

- c) Part(s) (Heading and Code Citation): Repurchase and Reserve Repurchase Agreements, 50 Ill. Adm. Code 804

1) Rulemaking:

- A) Description: This Part will be amended to implement SB 801.
- B) Statutory Authority: Implementing Article VIII, Section 133 and SB 801 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/124 through 126.32, 133 and 401].
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: November 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

James Hanson
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-6284

DEPARTMENT OF INSURANCE

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G) Related rulemakings and other pertinent information:

- d) Part(s) (Heading and Code Citation): Workers' Compensation Self Insurance, 50 Ill. Adm. Code 2901

1) Rulemaking:

- A) Description: This Part will be amended to revise administrative and regulatory guidelines.

- B) Statutory Authority: Implementing Section 4a of the Workers' Compensation Act [820 ILCS 305/4a] Section 187 of the Illinois Insurance Code [215 ILCS 5/187] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401.7].

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: November 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will not affect small businesses, small municipalities or not for profit corporations.

- F) Agency contact person for information:

James Hanson
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-6284

- G) Related rulemakings and other pertinent information:

- e) Part(s) (Heading and Code Citation): Requirements, 50 Ill. Adm. Code 5601

1) Rulemaking:

- A) Description: This Part will be amended to revise administrative and regulatory guidelines.

- B) Statutory Authority: Implementing and authorized by the Religious and Charitable Risk Pooling Trust Act [215 ILCS 150/1 through 28].

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- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: November 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect religious and charitable risk pooling trusts.

- F) Agency contact person for information:

James Hanson
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-6284

- G) Related rulemakings and other pertinent information:

- f) Part(s) (Heading and Code Citation): Other Property and Casualty Insurance Reports, 50 Ill. Adm. Code (New)

1) Rulemaking:

- A) Description: This new rule will be promulgated to implement portions of HB 2226. At the Director's discretion, property and casualty companies may be required to file loss information with the Department. This new rule will establish quarterly reserve reporting of loss and allocated loss adjustment expense reserve development histories.

- B) Statutory Authority: Implementing and authorized by HB 2226.

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: November 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: This new rule will not affect small businesses, small municipalities or not for profit corporations.

- F) Agency contact person for information:

Shannon Whalen

DEPARTMENT OF INSURANCE

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Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/524-8004

G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): Illinois Health Insurance Portability and Accountability, 50 Ill. Adm. Code (New)

1) Rulemaking:

A) Description: This new rule will implement SB 802.

B) Statutory Authority: Implementing and authorized by the Illinois Health Insurance Portability and Accountability Act.

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: This new rule will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Ron Kotowski
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-4572

G) Related rulemakings and other pertinent information:

h) Part(s) (Heading and Code Citation): Health Maintenance Organization, 50 Ill. Adm. Code 5421

1) Rulemaking:

A) Description: This Part will be amended to add a new Section which will establish minimum coverage and disclosure requirements, including any reasonable copayments,

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deductibles and benefit requirements. This amendment will also establish eligibility standards.

B) Statutory Authority: Implementing and authorized by HB 1565.

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This new Section will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

David Grant
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/782-6369

G) Related rulemakings and other pertinent information:

i) Part(s) (Heading and Code Citation): Employee Leasing, 50 Ill. Adm. Code (New)

1) Rulemaking:

A) Description: This new rule will implement HB 223.

B) Statutory Authority: Implementing and authorized by the Employee Leasing Company Act, HB 223.

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: Unknown if any at this time.

F) Agency contact person for information:

Ron Hartsock

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Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/785-2263

G) Related rulemakings and other pertinent information:

- j) Part(s) (Heading and Code Citation): Financial Institutions, 50 Ill. Adm. Code (New)

1) Rulemaking:

A) Description: This new rule will implement HB 586 and will establish registration and disclosure requirements for financial institutions.

B) Statutory Authority: Implementing HB 586 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: Unknown if any at this time.

F) Agency contact person for information:

Ron Hartsock
Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
217/785-2263

G) Related rulemakings and other pertinent information:

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- a) Part Heading and Code Citation: Procedures and Standards (92 Ill. Adm. Code 1001)

1) Rulemaking:

A) Description: Amendment is expected to change Safety Responsibility hearing regions; clarify when a petitioner is eligible for an informal hearing; clarify how educational RDPs are issued, modify the BAID program; revise requirements for reinstatements for non-residents who either were never Illinois residents and/or who have very old DUIs as the basis of the current revocation; reflect DASA's rules regarding classifications, treatment, etc.; revise the definition of a medical or pharmacological expert in the zero tolerance rules; possibly revise the Motor Vehicle Franchise Act rules. Additionally, this Part may be amended in response to HB 1388 which provides for a zero tolerance 3 year cancellation of a school bus driver permit for a school bus operator who drives a school bus with any amount of alcohol in the driver's system. The bill provides discretionary rulemaking authority to set forth when the driver is not required to appear in person at the hearing.

B) Statutory Authority: 625 ILCS 5/2-104, and 5/6-106.1; and 815 ILCS 710.

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jay Mesi, Senior Legal Advisor
Address: 200 Howlett Building
Springfield, IL 62756
Telephone: (217) 785-8237

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)

1) Rulemaking:

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A) Description: Establish method for obtaining vehicle ownership through a mechanics lien; prescribe rules for disclosure of rebuilt vehicle status form and rules governing issuance of title for salvage vehicles without the rebuilt notation; prescribe rules governing the issuance of title for flood damaged vehicles without rebuilt notation; revise Section 1010.140 to include Canadian imported vehicles; establish rules for the issuance of title without standard supporting documents; remove 200 pair limit to Section 1010.452; establish rules for issuance of sportsmen plates, wildlife prairie park plates, master mason plates, knights of columbus plates, D.A.R.E. plates, universal charitable plates, fire fighters plates, universal veterans plates, silver star plates, special plates for mayors and presidents of a village or incorporated town, Illinois and Michigan canal special plates; allow surviving sibling to obtain gold star plate if both parent are deceased.

B) Statutory Authority: 770 ILCS 45, 770 ILCS 50, 770 ILCS 90, 625 ILCS 5/3, 625 ILCS 5/2-104, 625 ILCS 5/5-100, as amended by P.A. 89-190.

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations:

F) Agency contact person for information:

Name: Carol Sudman, Assistant Counsel
Address: 298 Howlett Building
Springfield, IL 62756
Telephone: (217) 785-3094

G) Related rulemakings and other pertinent information: None

c) Part Heading and Code Citation: Issuance of Licenses (92 Ill. Adm. Code 1030)

1) Rulemaking:

A) Description: Incorporate legislation pertaining to graduated driver's licensing; implement digital licensing; eliminate the handicapped identification card; include commercial driver's license farm waiver in Sections 1030.81, 1030.92

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and 1030.96. See SB 950 and HB 1169.

B) Statutory Authority: 625 ILCS 5/6 and 5/2- 104.

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: August/September 1997

E) Affect on small businesses, small municipalities or not for profit corporations: Farmer-operators will not need a commercial driver's license to operate a semi-tractor trailer.

F) Agency contact person for information:

Name: Mark Novak, Assistant Counsel
Address: 2701 S. Dirksen Pkwy.
Springfield, IL 62723
Telephone: (217) 782-5356

G) Related rulemakings and other pertinent information: None

d) Part Heading and Code Citation: Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)

1) Rulemaking:

A) Description: Incorporate legislation pertaining to graduated driver's licensing; include administrative action concerning disabled plate and placard penalties. See SB 950.

B) Statutory Authority: 625 ILCS 5/6 and 5/2- 104.

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: August/September 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Mark Novak, Assistant Counsel
Address: 2701 S. Dirksen Pkwy.
Springfield, IL 62723
Telephone: (217) 782-5356

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- G) Related rulemakings and other pertinent information: None
- e) Part Heading and Code Citation: Procedures and Standards (92 Ill. Adm. Code 1105)

1) Rulemaking:

- A) Description: Amend procedures for issuance of decals and registration plates issued for the transportation of persons with disabilities.
- B) Statutory Authority: 625 ILCS 5/3-704 and 5/11-1301.2, 1301.5, and 1301.6
- C) Scheduled meeting/hearing date: No hearings have been scheduled. Interested groups will be contacted prior to submission.

- D) Date agency anticipates First Notice: September 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Nancy Easum, Deputy General Counsel
Address: 288 Howlett Bldg.
Springfield, IL 62756
Telephone: (217) 782-2192

- f) Part Heading and Code Citation: Illinois State Library, Information Services Division (23 Ill. Adm. Code 3010)

1) Rulemaking:

- A) Description: Revision of the rules to reflect needed updates concerning photocopying, circulation of materials, reserves of materials, replacement of lost and/or damaged materials, reference service, and interlibrary loan.

- B) Statutory Authority: 15 ILCS 320

- C) Scheduled meeting/hearing date: No hearings have been scheduled. Public comment will be requested through letters, faxes, and electronic mail.

- D) Date agency anticipates First Notice: September 1997

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- E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Kathleen L. Bloomberg
Address: Illinois State Library
South Second Street
Springfield, IL 62701-1796
Telephone: (217) 785-0052
Fax: (217) 782-8261
kblooms@library.sos.state.il.us

- G) Related rulemakings and other pertinent information: None

- g) Part Heading and Code Citation: Illinois Library System Act (23 Ill. Adm. Code 3030)

1) Rulemaking:

- A) Description: Amend rules to clarify requirements for expenditure of library system funds during the fiscal year and clarify library system membership requirements.

- B) Statutory Authority: 75 ILCS 10/1

- C) Scheduled meeting/hearing date: No hearings have been scheduled. Public comment will be requested through letters, faxes, and electronic mail.

- D) Date agency anticipates First Notice: October 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Kathleen L. Bloomberg
Address: Illinois State Library
South Second Street
Springfield, IL 62701-1796
Telephone: (217) 785-0052
Fax: (217) 782-8261
kblooms@library.sos.state.il.us

- G) Related rulemakings and other pertinent information: None

- h) Part Heading and Code Citation: Public Library Construction Grants (23

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Ill.Adm.Code 3060)

1) Rulemaking:

A) Description: Amend rules to reflect changes concerning grant priorities, grant eligibility and specific criteria relating to mini-grants.

B) Statutory Authority: 75 ILCS 10/3 and 10/8

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: September 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Kathleen L. Bloomberg
Address: Illinois State Library
South Second Street
Springfield, IL 62701-1796
Telephone: (217) 785-0052
Fax: (217) 782-8261
kbloomblibrary.sos.state.il.us

G) Related rulemakings and other pertinent information: None

h) Part Heading and Code Citation: Public Library Construction Grants (23 Ill.Adm.Code 3060)

1) Rulemaking:

A) Description: Amend rules to reflect changes concerning grant priorities, grant eligibility and specific criteria relating to mini-grants.

B) Statutory Authority: 75 ILCS 10/3 and 10/8

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: September 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None.

SECRETARY OF STATE

REGULATORY AGENDA

F) Agency contact person for information:

Name: Kathleen L. Bloomberg
Address: Illinois State Library
South Second Street
Springfield, IL 62701-1796
Telephone: (217) 785-0052
Fax: (217) 782-8261
kbloomblibrary.sos.state.il.us

G) Related rulemakings and other pertinent information: None

i) Part Heading and Code Citation: Illinois State Library Training Grant Program (15 Ill.Adm.Code 320)

1) Rulemaking:

A) Description: Update conditions for training program grants relating to library employment requirements and names of accredited graduate library schools in Illinois.

B) Statutory Authority: 75 ILCS 10/3 and 10/8

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: October 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Kathleen L. Bloomberg
Address: Illinois State Library
South Second Street
Springfield, IL 62701-1796
Telephone: (217) 785-0052
Fax: (217) 782-8261
kbloomblibrary.sos.state.il.us

G) Related rulemakings and other pertinent information: None

j) Part Heading and Code Citation: The Use of the Capitol Complex Facilities (71 Ill. Adm. Code 2005)

1) Rulemaking:

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- A) Description: Clarify policy on placement of banners or other displays in the capitol complex.
- B) Statutory Authority: 15 ILCS 305/5.
- C) Scheduled meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: July or August, 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Carol Sudman, Assistant Counsel
 Address: 298 Howlett Building
 Springfield, IL 62756
 Telephone: (217) 785-3094

- G) Related rulemakings and other pertinent information: None

- k) Part Heading and Code Citation: Regulations under the Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)

1) Rulemaking:

- A) Description: Rules regarding Section 4G of the Act will be amended to reflect the elimination of certain reporting requirements and fees; rules regarding investment advisers will be amended to reflect the requirements for notification filings and fees for covered investment advisers and to implement changes in forms required for registration of investment advisers; rules to implement registration of investment advisers representatives will set forth fees and requirements for registration, termination and withdrawal; rules for additional registration documents required to be filed by dealers; rules amended to reflect ability to register Canadian dealers and salespersons, including updating salespersons examinations to include new NASD examinations and certain foreign examinations; business opportunity, business broker and loan broker rules will reflect statutory amendments regarding enforcement and ability to impose fines up to \$10,000; notice of hearing will be amended to include provisions required by the implementation of the loan broker, business broker and business opportunity Acts; require registered entities to enter written contract with restrictions listed with each

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client; require registered entities to maintain seminar file, complaint file advertising file, record of individual billing and new account forms for each client; require record retention for 5 year period; address registered entities assessing excessive fees to client accounts; limited performance data usage and use of graphs and charts; control use of testimonials; control advertising "free services"; use of "RIA" and other designations; define key terms.

- B) Statutory Authority: The Illinois Securities Law of 1953 [815 ILCS 5/11].

- C) Scheduled meeting/hearing date: No hearings have been scheduled.

- D) Date agency anticipates First Notice: unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: None. (Rulemaking will affect large businesses only.)

- F) Agency contact person for information:

Name: Theresa Oxtoby
 Address: 520 S. Second St., Ste. 200
 Springfield, IL 62701
 Telephone: (217) 784-8040

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF STATE POLICE

JULY 1997 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1210

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

- C) Scheduled of meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None.

- b) Part (Heading and Code Citation): Illinois Uniform Conviction Information Act; 20 Ill. Adm. Code 1215

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Illinois Uniform Conviction Information Act.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2635/19

- C) Scheduled of meeting/hearing date: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None.

- c) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Intergovernmental Drug Enforcement Act.

- B) Statutory Authority: 20 ILCS 2605/55a and 30 ILCS 715/5

- C) Scheduled of meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461

DEPARTMENT OF STATE POLICE

JULY 1997 REGULATORY AGENDA

Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None.

d) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

B) Statutory Authority: 20 ILCS 2605/55a, 720 ILCS 550/12 and 720 ILCS 570/505

- C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None.

e) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related

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activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11

- C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- G) Related rulemakings and other pertinent information: None.

f) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1

- C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit

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corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None.

g) Part (Heading and Code Citation): Law Enforcement Agencies Data System (LEADS); 20 Ill. Adm. Code 1240

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.

B) Statutory Authority: 20 ILCS 2605/55a

C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None.

h) Part (Heading and Code Citation): Gang Crime Witness Protection Act;

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20 Ill. Adm. Code 1275

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the Gang Crime Witness Protection Act.

B) Statutory Authority: 20 ILCS 2605/55a and 725 ILCS 172/5

C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None.

i) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 150/4

C) Scheduled of meeting/hearing date: No schedule has been established at this time.

DEPARTMENT OF STATE POLICE

JULY 1997 REGULATORY AGENDA

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small business, small municipalities or not for profit corporations: The amendment or rule will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None.

J) Part (Heading and Code Citation): Child Sex Offender and Murderer Community Notification Law; 20 Ill. Adm. Code 1282

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to implementation of the Child Sex Offender and Murderer Community Notification Law.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 152

C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police

DEPARTMENT OF STATE POLICE

JULY 1997 REGULATORY AGENDA

124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None.

K) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 5/5-4-3

C) Scheduled of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 15, 1997

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAging

1. Community Care Program (89 Ill Adm Code 240)
-First Notice Published: 21 Ill Reg 3001 - 3/14/97
-Expiration of Second Notice Period: 8/7/97

2. Long-Term Care Insurance Partnership Demonstration Program (89 Ill Adm Code 260)

-First Notice Published: 21 Ill Reg 3012 - 3/14/97
-Expiration of Second Notice Period: 8/7/97

Banks and Real Estate

3. Residential Mortgage License Act of 1987 (38 Ill Adm Code 1505)
-First Notice Published: 21 Ill Reg 5984 - 5/16/97
-Expiration of Second Notice Period: 8/13/97

Central Management Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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4. Solicitation for Charitable Payroll Deductions (80 Ill Adm Code 2650)
-First Notice Published: 21 Ill Reg 4894 - 4/18/97
-Expiration of Second Notice Period: 7/18/97

Children and Family Services

5. Authorized Child Care Payments (89 Ill Adm Code 359)
-First Notice Published: 21 Ill Reg 4342 - 4/11/97
-Expiration of Second Notice Period: 7/26/97

6. Services Delivered by the Department (89 Ill Adm Code 302)
-First Notice Published: 21 Ill Reg 4350 - 4/11/98
-Expiration of Second Notice Period: 7/26/97

Debt Collection Board

7. State Agency Accounts Receivable (74 Ill Adm Code 910)
-First Notice Published: 21 Ill Reg 1494 - 2/7/97
-Expiration of Second Notice Period: 7/17/97

Education

8. Certification (23 Ill Adm Code 25)
-First Notice Published: 21 Ill Reg 4898 - 4/18/97
-Expiration of Second Notice Period: 8/8/97

9. Health Examinations and Immunizations (23 Ill Adm Code 625)
-First Notice Published: 21 Ill Reg 4913 - 4/18/97
-Expiration of Second Notice Period: 8/8/97

Financial Institutions

10. Illinois Credit Union Act (38 Ill Adm Code 190)
-First Notice Published: 21 Ill Reg 1127 - 1/24/97
-Expiration of Second Notice Period: 7/24/97

Housing Development Authority

11. National Affordable Housing Act (HOME) Program (47 Ill Adm Code 371)
-First Notice Published: 21 Ill Reg 5016 - 4/25/97
-Expiration of Second Notice Period: 7/24/97

Labor

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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12. Toxic Substances Disclosure to Employees (56 Ill Adm Code 205)
-First Notice Published: 21 Ill Reg 4150 - 4/4/97
-Expiration of Second Notice Period: 8/1/97
 13. Health and Safety (56 Ill Adm Code 350)
-First Notice Published: 21 Ill Reg 4140 - 4/4/97
-Expiration of Second Notice Period: 8/1/97
- Natural Resources
14. Dove Hunting (17 Ill Adm Code 730)
-First Notice Published: 21 Ill Reg 4935 - 4/18/97
-Expiration of Second Notice Period: 7/20/97
 15. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)
-First Notice Published: 21 Ill Reg 4215 - 4/4/97
-Expiration of Second Notice Period: 8/9/97
 16. Wrongful Tree Cutting (17 Ill Adm Code 1585)
-First Notice Published: 21 Ill Reg 5394 - 5/2/97
-Expiration of Second Notice Period: 8/6/97

Nuclear Safety

17. Fees for Radioactive Material Licenses (32 Ill Adm Code 331)
-First Notice Published: 21 Ill Reg 4369 - 4/11/97
-Expiration of Second Notice Period: 7/30/97

Professional Regulation

18. Respiratory Care Practice Act (68 Ill Adm Code 1456)
-First Notice Published: 21 Ill Reg 3407 - 3/21/97
-Expiration of Second Notice Period: 8/13/97

Property Tax Appeal Board

19. Procedures (86 Ill Adm Code 1910)
-First Notice Published: 21 Ill Reg 5692 - 5/9/97
-Expiration of Second Notice Period: 8/6/97

Public Aid

20. Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 21 Ill Reg 797 - 1/17/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
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21. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 21 Ill Reg 809 - 1/17/97
-Expiration of Second Notice Period: 8/1/97
 22. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 21 Ill Reg 3423 - 3/21/97
-Expiration of Second Notice Period: 8/13/97
- Secretary of State
23. The Illinois Library System Act (23 Ill Adm Code 3030)
-First Notice Published: 21 Ill Reg 4438 - 4/11/97
-Expiration of Second Notice Period: 8/7/97
 24. Literacy Grant Program (23 Ill Adm Code 3040)
-First Notice Published: 21 Ill Reg 4431 - 4/11/97
-Expiration of Second Notice Period: 7/26/97
 25. Issuance of Licenses (92 Ill Adm Code 1030)
-First Notice Published: 21 Ill Reg 4414 - 4/11/97
-Expiration of Second Notice Period: 8/1/97
 26. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)
-First Notice Published: 21 Ill Reg 4398 - 4/11/97
-Expiration of Second Notice Period: 8/1/97

State Toll Highway Authority

27. Authorization and Operation of Emergency Wrecker Services on the Illinois State Toll Highway (92 Ill Adm Code 2500)
-First Notice Published: 21 Ill Reg 4440 - 4/11/97
-Expiration of Second Notice Period: 7/26/97

State Universities Retirement System

28. Universities Retirement (80 Ill Adm Code 1600)
-First Notice Published: 21 Ill Reg 4977 - 4/18/97
-Expiration of Second Notice Period: 7/17/97

Transportation

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 15, 1997

29. Prequalification of Contractors and Issuance of Plans and Proposals (44 Ill Adm Code 650)
-First Notice Published: 21 Ill Reg 5473 - 5/2/97
-Expiration of Second Notice Period: 7/31/97

EXEMPT RULEMAKINGPollution Control Board

30. Definitions and General Provisions (35 Ill Adm Code 211)
-Proposed Date: 3/21/97
-Adopted Date: 5/30/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 24, 1997 through June 30, 1997 and have been scheduled for review by the Committee at its July 15, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/26/97	Illinois State Toll Highway Authority, Authorization and Operation of Emergency Wrecker Services on the Illinois State Toll Highway (92 Ill Adm Code 2500)	4/11/97 21 Ill Reg 4440	7/15/97
8/7/97	Secretary of State, The Illinois Library System Act (23 Ill Adm Code 3030)	4/11/97 21 Ill Reg 4438	7/15/97
8/7/97	Department on Aging, Community Care Program (89 Ill Adm Code 240)	3/14/97 21 Ill Reg 3001	7/15/97
8/7/97	Department on Aging, Long-Term Care Insurance Partnership Demonstration Program (89 Ill Adm Code 260)	3/14/97 21 Ill Reg 3012	7/15/97
8/8/97	State Board of Education, Certification (23 Ill Adm Code 25)	4/18/97 21 Ill Reg 4898	7/15/97
8/8/97	State Board of Education, Health Examinations and Immunizations (23 Ill Adm Code 625)	4/18/97 21 Ill Reg 4913	7/15/97
8/9/97	Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill Adm Code 590)	4/4/97 21 Ill Reg 4215	7/15/97
8/13/97	Office of Banks and Real Estate, Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050)	5/16/97 21 Ill Reg 5984	7/15/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/13/97	Department of Professional Regulation, Respiratory Care Practice Act (68 Ill Adm Code 1456)	3/21/97 21 Ill Reg 3407	7/15/97
8/13/97	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/21/97 21 Ill Reg 3423	7/15/97

PROCLAMATIONS

97-355

AMERICAN BRIDGE ASSOCIATION DAYS

Whereas, the American Bridge Association is a nationally recognized social bridge organization of approximately 6,000 duplicate bridge players throughout the United States; and

Whereas, during its 64 years of existence, the American Bridge Association has provided over 400 scholarships and donations to deserving college students across the nation; and

Whereas, the American Bridge Association also provides charitable donations to organizations such as the Girl and Boy Scouts of America, UNCF and Red Cross; and

Whereas, the American Bridge Association will hold its 1997 Summer National from July 29-August 10 at the Chicago Hilton & Towers; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 29-August 10, 1997, as AMERICAN BRIDGE ASSOCIATION DAYS in Illinois.

Issued by the Governor June 12, 1997.

Filed by the Secretary of State June 23, 1997.

97-356

NO CRIME DAY

Whereas, the Black on Black Love Organization has been a pioneer in the African American community; and

Whereas, Black on Black Love's mission is to create programs designed to break the cycle of crime in our society; and

Whereas, the purpose of the Black on Black Love Organization is to replace black on black crime with black on black love, respect and self-discipline; and

Whereas, Black on Black Love has nurtured human development and growth potential in the lives of many; and

Whereas, Black on Black Love is sponsoring a "No Crime Day" on August 16, 1997, to address crime in our communities; and

Whereas, this day of unity combines family entertainment with a powerful message that the violence in society must stop; and

Whereas, family, friends, entrepreneurs, community leaders, politicians and the Chicago community will participate in this event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 16, 1997, as NO CRIME DAY in Illinois.

Issued by the Governor June 12, 1997.

Filed by the Secretary of State June 23, 1997.

97-357

ART REPLOGLE DAY

Whereas, Art Replogle has served as President and CEO of the Oak Park Development Corporation since 1974; and

Whereas, Art is dedicated to his community, and his community service activities over the past 20 years are commendable. He currently serves as a West Suburban Hospital Medical Center Trustee, Rosary College President's

Council member, Downtown Oak Park Corporation Vice President, Concordia West Suburban College of Nursing Vice President, Frank Lloyd Wright Home and Studio Foundation Charter Board Member, West Suburban Hospital Medical Center Foundation Director and Concordia University Strategic Planning Council member; and

Whereas, Art has received numerous awards over the years, including the National Secretaries Association's Boss of the Year, Oak Park Hospital's Charter Knight Award, Concordia University's President's Award, Oak Park Rotary's Carl Winters Community Merit Award, Rotary International's Paul Harris Fellow and the Avenue Lake Place Creative Leadership Award; and

Whereas, Art has been awarded many times by the Boy Scouts of America, including the Good Scout Award, Silver Beaver, Vigil Member - Order of the Arrow, Silver Antelope and the Distinguished Citizen Award. He has also served as President of the Thatcher Woods Area Council; and

Whereas, Art Replogle will retire as President and CEO of the Oak Park Development Corporation on June 25, 1997, and he will be honored for his many accomplishments over the years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 25, 1997, as ART REPLOGLIE DAY in Illinois and wish Art well in his retirement years.

Issued by the Governor June 13, 1997.

Filed by the Secretary of State June 23, 1997.

97-358

CORRECTIONAL EDUCATION DAY

Whereas, the Department of Corrections School District #428 was created on July 1, 1972; and

Whereas, inmates involved in educational and vocational assignments are less likely to become management problems for the correctional center; and

Whereas, research indicates that individuals who are incarcerated and who obtain their high school diploma or GED have a greater chance of obtaining employment once released; and

Whereas, inmates who participate and complete academic and vocational programs are less likely to be rearrested and reincarcerated after release; and

Whereas, inmates who obtain employment as a result of skills learned while incarcerated are more likely to become positive role models for children; and

Whereas, the Department of Corrections School District #428 will

celebrate its 25th anniversary on July 1, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1, 1997, as CORRECTIONAL EDUCATION DAY in Illinois.

Issued by the Governor June 13, 1997.

Filed by the Secretary of State June 23, 1997.

97-359

FESTA ITALIANA DAYS

Whereas, the 19th Annual Festa Italiana is being sponsored by the Greater Rockford Columbus Day Committee; and

Whereas, this special time allows people to come together to celebrate the rich heritage and culture of Italy through the presentation of traditional

foods and entertainment; and

Whereas, the proceeds from this event will go to scholarship programs for Rockford-area grade school, high school and university students; and

Whereas, the Italian American community has contributed greatly to the civic and social life of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1-3, 1997, as FESTA ITALIANA DAYS in Illinois.

Issued by the Governor June 13, 1997.

Filed by the Secretary of State June 23, 1997.

97-360

SVITHIOD DAY

Whereas, the 72nd Annual Svithiod Day Outing is an event designed to help preserve ethnic heritage and culture; and

Whereas, this important event will be held at Vasa Park in Elgin, Illinois, on June 22, 1997; and

Whereas, Svithiod is a 116 year-old Scandinavian Fraternal Organization, and the proceeds from the outing will go to the Svithiod Scholarship Fund & Benevolent Assistance Program; and

Whereas, the Swedish Consul General, Thomas Bolling, will be the key note speaker, and there will be performances by the Sverige-Barnen Children's group, Nordic Folk dancers, Chicago Spelmanslag and Waukegan Swedish Glee Club;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1997, as SVITHIOD DAY in Illinois.

Issued by the Governor June 13, 1997.

Filed by the Secretary of State June 23, 1997.

97-361

AIR WEATHER SERVICE HERITAGE DAY

Whereas, the Air Weather Service (AWS) began on July 1, 1937, when the Air Corps assumed responsibility for military weather services; and

Whereas, the AWS has played a significant role in ensuring human safety and well-being during times of war and peace; and

Whereas, the AWS will celebrate its 60th anniversary on July 1, 1997; and

Whereas, this marks the last anniversary of AWS, which will be redesignated as the Air Force Weather Agency; and

Whereas, the AWS anniversary will be celebrated with a reveille ceremony, exhibits, videos, tours, presentations and speeches on July 1, along with an organization picnic;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1, 1997, as AIR WEATHER SERVICE HERITAGE DAY in Illinois.

Issued by the Governor June 16, 1997.

Filed by the Secretary of State June 23, 1997.

97-362

FATHER GEORGE CLEMENTS DAY

Whereas, Father George Clements is celebrating his 40th anniversary of ordination to priesthood with a celebration that will include a mass at Holy Angels Catholic Church and a banquet at the Chicago Hilton and Towers

International Ballroom. Proceeds will benefit the One Church-One Addict Program, which he founded; and

Whereas, Father George Clements was the first priest to adopt children, and his three sons, Joey, Friday and Stewart, will join in the celebration; and

Whereas, he initiated the program, One Church-One Child, a program dedicated to finding adoptive parents for homeless Black and biracial children. More than 60,000 children have been adopted because of One Church-One Child; and

Whereas, Father George Clements is an internationally known humanitarian, responsible for building successful coalitions in support of economic and social justice; and

Whereas, he has assisted numerous African students secure higher education in the United States and had the honor of being named a Chief of the Yoruba Tribe in Imeko, Nigeria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1997, as FATHER GEORGE CLEMENTS DAY in Illinois.

Issued by the Governor June 16, 1997.

Filed by the Secretary of State June 23, 1997.

97-363

LICENSED CERTIFIED ATHLETIC TRAINERS WEEK

Whereas, the State of Illinois recognizes the importance of licensed certified athletic trainers as health care practitioners who provide care and promote injury prevention for the physically active; and

Whereas, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, recognition and individual treatment and reconditioning of injuries to the athletes of Illinois; and

Whereas, certified athletic trainers are recognized for their knowledge and skill as allied health professionals; and

Whereas, the licensed certified athletic trainer has become a vitally important part of health care in this country; and

Whereas, the licensed certified athletic trainers of Illinois have volunteered hundreds of hours in support of the Prairie State Games;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23-29, 1997, as LICENSED CERTIFIED ATHLETIC TRAINERS WEEK in Illinois.

Issued by the Governor June 16, 1997.

Filed by the Secretary of State June 23, 1997.

97-364

POM PON APPRECIATION DAY

Whereas, Allstate Insurance Company is again sponsoring the "Allstate Open Pom Pon Competition;" and

Whereas, more than 1,000 young women from 40 mid-western high school pom pon squads will be demonstrating their hard work and talents to the thousands of people in the audience; and

Whereas, pom pon squads promote responsibility, excellence, and dedication; and

Whereas, it also increases the awareness and importance of women's athletics and instills coordination and agility and emphasizes good health; and

Whereas, activities such as pom pons add to the family entertainment

value and the beauty of high school sporting events; and

Whereas, pom pon squads demonstrate the necessity and value of teamwork and strengthen the spirit of competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 10, 1997, as POM PON APPRECIATION DAY in Illinois.

Issued by the Governor June 16, 1997.

Filed by the Secretary of State June 23, 1997.

97-365

SPINAL HEALTH CARE MONTH

Whereas, during October, doctors of chiropractic throughout the United States take part in a community health program to promote the importance of our citizens' spinal health; and

Whereas, spinal integrity helps all organs in the body function more efficiently, and spinal health is essential to proper growth and development; and

Whereas, Illinoisans should become more aware of their spinal health and receive periodic examinations; and

Whereas, the chiropractic science and the doctors who practice it have contributed greatly to the better health of our citizenry by providing this specialized health care;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as SPINAL HEALTH CARE MONTH in Illinois.

Issued by the Governor June 16, 1997.

Filed by the Secretary of State June 23, 1997.

97-366

TOWNSHIP GOVERNMENT DAY

Whereas, township government is the oldest existing unit of government in North America; and

Whereas, township government provides essential community services such as road and bridge maintenance, property value assessment and general assistance to the needy; and

Whereas, townships also administer a variety of programs for seniors and youths, social services, environmental projects and recreational facilities; and

Whereas, there are 1,433 townships serving more than 8 million residents across 85 counties in the State of Illinois; and

Whereas, to increase public awareness of the community services provided by township government, the Township Officials of Illinois (TOI) is launching a campaign July 1-8, 1997, with the theme, "Building Better Communities;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 2, 1997, as TOWNSHIP GOVERNMENT DAY in Illinois.

Issued by the Governor June 16, 1997.

Filed by the Secretary of State June 23, 1997.

97-367

GERALD "WINDY" NAIRN DAY

Whereas, Gerald Nairn was born April 21, 1932, in Grafton, Illinois, and

has dedicated his life to the town he loves; and
Whereas, Gerald, through his abilities as a storyteller, earned the nickname of "Windy"; and
Whereas, he has shared his stories and his life with his wife, Alice, his three sons and four grandchildren; and

Whereas, he has served his community with pride as Chief of Police, Chief Deputy Sheriff, as Jersey County Sheriff for four years, as the mayor of Grafton for 32 years and continues to serve with the West Central Illinois Criminal Justice Council; and

Whereas, he battled the flood waters in Grafton no fewer than eight times, acting to protect lives and property; and
Whereas, following the devastation of the Great Flood of 1993, he helped lead the community to rebuild and move forward; and

Whereas, in those efforts, he has hosted the Governor of Illinois and the Vice-President of the United States, as well as other dignitaries; and
Whereas, Gerald "Windy" Nairn has provided dedication and devotion to community and family reflecting his strong personal convictions and loyalty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, in appreciation for years of service to the City of Grafton, Jersey County and the State of Illinois, proclaim June 14, 1997, as GERALD "WINDY" NAIRN DAY in Illinois.

Issued by the Governor June 17, 1997.

Filed by the Secretary of State June 23, 1997.

97-368

ILLINOIS WHEAT GROWERS ASSOCIATION DAY

Whereas, the Illinois Wheat Growers Association was formed on February 27, 1995; and
Whereas, the association plans to promote marketing alternatives for soft red winter wheat and to improve the efficiency and profitability of wheat production; and

Whereas, the association also has a variety of other objectives, such as promoting research on wheat breeding, production and marketing, increasing grain quality, and developing relationships that will enhance the Illinois wheat industry; and
Whereas, finally, the association will provide educational opportunities on wheat production and marketing and it will provide a liaison concerning government programs and legislative activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 29, 1997, as ILLINOIS WHEAT GROWERS ASSOCIATION DAY in Illinois and wish the association much future success.

Issued by the Governor June 17, 1997.

Filed by the Secretary of State June 23, 1997.

97-369

DICK AND LUCILLE BAUGHMAN DAY

Whereas, on June 27, 1937, Edna Lucille Gaddis and Charles Richard Baughman, both of Tamaroa, Illinois, eloped to be united in marriage in Jonesboro, Illinois; and
Whereas, their marriage has succeeded in good times and bad because of

their great love and dedication for one another; and

Whereas, Dick faithfully served in the United States Navy during World War II while Lucille raised their only son, Charles Michael, who was born in 1941; and

Whereas, Charles married Margaret Ann Gayer of Zeigler, Illinois, and together they raised three boys, Michael Wade, Matthew Charles and Christopher Paul; and
Whereas, Dick and Lucille are loving and caring parents and grandparents; and

Whereas, in retirement from the insurance business and medical field, Dick and Lucille have been active volunteers; and
Whereas, Dick's two living siblings, Irene Sivak of Sparta, Illinois, and Ruth Williamson of Chicago, Illinois, join in celebrating their anniversary;

and
Whereas, Dick and Lucille will celebrate their 60th wedding anniversary on June 27, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 27, 1997, as DICK AND LUCILLE BAUGHMAN DAY in Illinois.

Issued by the Governor June 18, 1997.

Filed by the Secretary of State June 23, 1997.

97-370

HILL FAMILY CONGRATULATED

Whereas, the family of Aaron Hill and Earnie (Dupree) Hill will commemorate their family heritage at a reunion July 4-6, 1997, in Chicago; and
Whereas, at least four generations of Hills have held family reunions in Illinois; and

Whereas, this year the Hill family will celebrate with a picnic, tour of Chicago, dinner and family worship service; and
Whereas, members of the Hill family will travel from throughout the United States and overseas to take part in the reunion;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend congratulations to the Hill family as they celebrate their family reunion.

Issued by the Governor June 18, 1997.

Filed by the Secretary of State June 23, 1997.

97-371

MEETING PROFESSIONALS INTERNATIONAL- CHICAGO AREA CHAPTER CONGRATULATED

Whereas, meeting planners are involved in all aspects of planning meetings of all sizes, including negotiating, managing finances, teaching and marketing; and
Whereas, Meeting Professionals International is the world's largest association of meeting professionals, with more than 14,000 members in 44 countries; and

Whereas, the Meeting Professionals International - Chicago Area Chapter was established in June 1977 and celebrates its 20th anniversary this month; and

Whereas, the Chicago Area Chapter is MPI's largest chapter, with over 1,000 members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend congratulations to the Meeting Professionals International - Chicago Area Chapter on their 20th anniversary.

Issued by the Governor June 18, 1997. Filed by the Secretary of State June 23, 1997.

97-372

MEETING PROFESSIONALS WEEK/MEETING PROFESSIONALS DAY

Whereas, meetings are a primary planning, communication and action vehicle and are an important component of any organization's success; and

Whereas, the meeting industry creates millions of dollars in economic impact, enhances commerce and creates countless jobs for Illinois workers, as meetings and conferences convene in our state; and

Whereas, meeting professionals seek to ensure workforce productivity, elevate the professionalism of the industry, and improve meeting planning and management through education, training and industry relationships; and

Whereas, meeting planners are involved in all aspects of planning and meetings of all sizes, including negotiating, managing finances, teaching and marketing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22-28, 1997, as MEETING PROFESSIONALS WEEK and June 23, 1997, as MEETING PROFESSIONALS DAY in Illinois.

Issued by the Governor June 18, 1997.

Filed by the Secretary of State June 23, 1997.

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatate@ccgate.sos.state.il.us (Internet address).

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